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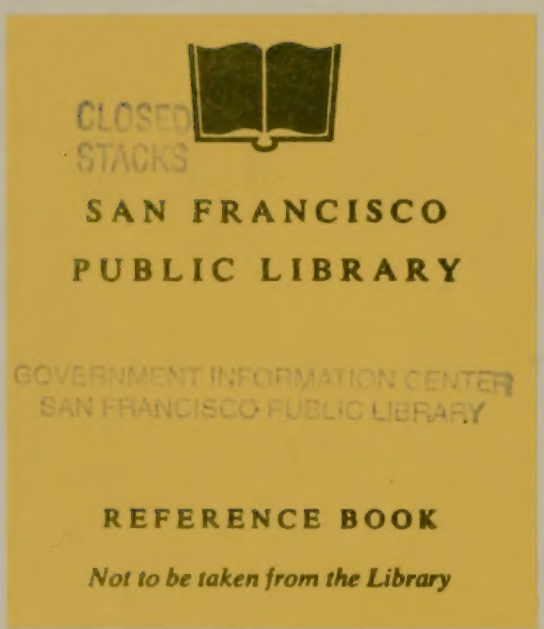
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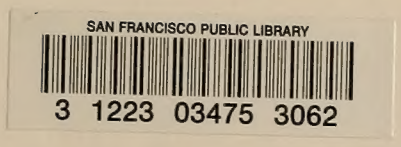

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3 MAY 1984 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, May 3, 1984 at 1630 hours in Regular Session.

PRESENT: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

Commissioner Nelder presiding.

APPROVAL OF CONSENT CALENDAR

RECOMMENDATIONS OF THE CITY ATTORNEY FOR SETTLEMENT OF THE FOLLOWING CLAIMS AGAINST THE CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. 431-84

CHARLES P. DEELY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Charles P. Deely against the City and County of San Francisco in the sum of $500.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 4, 1983

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 432-84

LENORE CAUTTRELLE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lenore Cauttrelle against the City and County of San Francisco in the sum of $125.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 11, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 433-84

LAWRENCE CAUCHI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lawrence Cauchi against the City and County of San Francisco in the sum of $100.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 7, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 434-84

ABC TOWING & STORAGE

RESOLVED, that the recommendation of the City Attorney

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for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $77.60 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 29, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 435-84

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $77.60 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 10, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 436-84

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $77.6- as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 19, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 437-84

RANDALL H. BRYAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Randall H. Bryan against the City and County of San Francisco in the sum of $64.75 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 19, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 438-84

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $60.35 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 10, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 439-84

CHRISTINE AUGUSTINE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Christine Augustine against the City and County of San Francisco in the sum of $59.20 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 16, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 440-84

EILEEN PEARSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Eileen Pearson against the City and County of San Francisco in the sum of $59.20 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 8, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 441-84

SERGIO DIAZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sergio Diaz against the City and County of San Francisco in the sum of $53.25 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 8, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder,
ABSENT: Commissioner Sanchez

RESOLUTION NO. 442-84

JAMES T. K. WONG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James T. K. Wong against the City and County of San Francisco in the sum of $53.25 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 3, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder,
ABSENT: Commissioner Sanchez

RESOLUTION NO. 443-84

MORGAN J. HOPKINS, JR.

RESOLVED, that the recommendation of the City

Attorney for settlement of the claim of Morgan J. Hopkins, Jr. against the City and County of San Francisco in the sum of $53.25 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 4, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder,
ABSENT: Commissioner Sanchez

RESOLUTION NO. 444-84

BRADFORD DOW

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Bradford Dow against the City and County of San Francisco in the sum of $53.25 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 4, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder,
ABSENT: Commissioner Sanchez

RESOLUTION NO. 445-84

VICTORIA LIPPINCOTT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Victoria Lippincott against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 28, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder,
ABSENT: Commissioner Sanchez

RESOLUTION NO. 446-84

BETSY C. MURRAY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Betsy C. murray against the City and County of San Francisco in the sum of $53.25 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 5, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder,
ABSENT: Commissioner Sanchez

RESOLUTION NO. 447-84

DONALD E. OSBORNE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Donald E. Osborne against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 29, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder,
ABSENT: Commissioner Sanchez

RESOLUTION NO. 448-84

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $53.25 as the result of damages sustained be, and the same is hereby approved.

Date of Incident: March 25, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 449-84

KURT J. BURGESS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kurt J. Burgess against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: Marcy 23, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 450-84

JONATHAN HUNT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jonathan Hunt against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 24, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 451-84

LUCY ANN CEFALU

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lucy Ann Cefalu against the City and County of San Francisco in the sum of $53.25 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 27, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 452-84

ALVIN JOHNSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Alvin Johnson against the City and County of San Francisco in the sum of $50.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 1983

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 453-84

KATHY FAWCETT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kathy Fawcett against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 1, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 454-84

GERALD J. SUENNEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gerald J. Suennen against the City and County of San Francisco in the sum of $50.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 24, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 455-84

MICHAEL CAESAR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael Caesar against the City and County of San Francisco in the sum of $50.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: Marcy 19, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 456-84

ELIZABETH BRESSLER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Elizabeth

Bressler against the City and County of San Francisco in the sum of $50.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 11, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 457-84

MARILYN FELTON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joan E. Sample against the City and County of San Francisco in the sum of $50.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 12, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 458-84

ANNULTO GUTIERREZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Annulto Gutierrez against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 15, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 459-84

JOAN E. SAMPLE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joan E. Sample against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 24, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 460-84

FRED AVILEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Fred Avilez against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 8, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 461-84

ALISON B. GANT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Alison B. Gant against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 8, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 462-84

THOMAS N. LIPPE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Thomas N. Lippe against the City and County of San Francisco in the sum of $59.20 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 12, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 463-84

MARILYN MINDEL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Marilyn Mindel against the City and County of San Francisco in the sum of $50.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 16, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 464-84

MICHAEL J. STASKUS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael J. Staskus against the City and County of San Francisco in the sum of $50.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 7, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 465-84

STANLEY WESSELS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Stanley Wessels against the City and County of San Francisco in the sum of $50.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 20, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 466-84

TRACY FERRICK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Tracy Ferrick against the City and County of San Francisco in the sum of $29.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: Unknown

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 467-84

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $27.60 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 1, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 468-84

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $27.60 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 21, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 469-84

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $27.60 as the result of damages sustained be, and the same is hereby approved.

Date of Incident: February 18, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 470-84

THOMAS N. LIPPE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Thomas N. Lippe against the City and County of San Francisco in the sum of $50.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 12, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 471-84

AUTHORIZING ATTENDANCE OF TWENTY-FIVE (25) SELECTED PERSONNEL OF THE FIELD OPERATIONS BUREAU, PATROL DIVISION, AND DEPARTMENT INSTRUCTORS AT THE FIELD TRAINING OFFICER SEMINAR AT SANTA CRUZ, CA FROM JUNE 10, 1984 TO JUNE 15, 1984

RESOLVED, that the recommendation of the Chief of Police that twenty-five (25) selected personnel of the Field Operations Bureau, Patrol Division, and Department Instructors, be authorized to attend a Field Training Officer Seminar at Santa Cruz, California from June 10 to June 15, 1984, be, and the same is hereby approved; and be it further

RESOLVED, that all expenses incurred by the above-named members of the Police Department in a sum not to exceed $10,000 will be defrayed from the Department Training Fund. P.O.S.T. will reimburse the Department 55% of trainees' salaries for the period of the seminar.

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 472-84

AUTHORIZING ATTENDANCE OF OFFICER JAMES MILLER, NARCOTICS DETAIL, AT THE NARCOTIC INVESTIGATION COURSE IN SACRAMENTO CA FROM MAY 10 TO JUNE 1, 1984

RESOLVED, that the recommendation of the Chief of Police that Officer James Miller, Narcotics Detail, be authorized to attend the Narcotic Investigation Course, conducted by the California Department of Justice in Sacramento, California from May 20 to June 1, 1984, be, and the same is hereby approved; and be it further

RESOLVED, that all expenses incurred by the above-named member of the Police Department in a sum not to exceed $684.00 for subsistence and travel are reimbursable by P.O.S.T.

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

TRAVELING EXPENSE VOUCHERS - APPROVED

RESOLUTION NO. 473-84

RESOLVED, that the Traveling Expense Voucher submitted by the following-named members of the Police

Department for expenses incurred in attending the below-indicated program, be, and the same is hereby approved.

Officer Bruce Crayton Sgt. Raymond Carlson Insp. David Suyehiro	) $659.00 ea.	(Advanced Field (Evidence Technician (Course (Long Beach, California (03/26/84 - 03/30/84

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLVED, that the Traveling Expense Voucher submitted by the following-named members of the Police Department for expenses incurred in attending the below-indicated program, be, and the same is hereby approved:

Officer Mark Hawthorne Officer Ralph Schoenstein	) $370.00	(Field Evidence Tech- (nician Course (Long Beach, California (03/05/84 - 03/23/84

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 475-84

RESOLVED, that the Traveling Expense Vouchers submitted by the following-named member of the Police Department for expenses incurred in attending the below-indicated program, be, and the same is hereby approved:

Captain Charles Beene Captain John Jordan	) $650.00 each	(Command Post Exercise (Dallas, Texas (04/17/84 - 04/20/84

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 476-84

RESOLVED, that the Traveling Expense Voucher submitted by the following-named member of the Police Department for expenses incurred in attending the below-indicated program, be, and the same is hereby approved:

Officer Michael Puccinelli	) $684.00	(Narcotic Investigation (Course (Sacramento, California (04/01/84 - 04/13/84

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

POLICE COMMISSION REPORT

Commissioner Daly expressed to Deputy Chief Eimil how pleased she was to what a fine job was done on May 1st, the demonstrations and the cooperation between the Police Department and the demonstrators.

CHIEF'S REPORT TO THE POLICE COMMISSION

Deputy Chief Eimil told the Commission of the incident that took place at the Rathskeller last week which resulted

in the suspension of 6 officers. He said the entire matter remains under investigation and further actions may be taken.

Commissioner Nelder stated the Commission is in support of a full and vigorous investigation and that the Commission will move for a hearing as soon as possible as soon as the matter is completed.

REQUEST OF THE INTELLIGENCE DIVISION TO ACCEPT THE GIFT OF ONE (1) PERSONAL COMPUTER TO BE USED BY THE GANG TASK FORCE IN TRACKING GANG MEMBERS AND THEIR ACTIVITIES

Deputy Chief Eimil stated that Mr. Randall K. Fields, Chairman of the Board of Mrs. Field's Cookies has offered a personal computer to be used by this Department and the Department feels it can be used to track members of the various gangs. He said he feels the Commission should approve this and the Department should accept it.

Commissioner Hsieh said he had met with the Gang Task Force and he had the impression the computer would be donated to the department for this purpose because the Gang Task Force does have a problem maintaining a large file and that it would be a good notice to all potential gangs.

This item was approved.

RESOLUTION NO. 425-84

REQUEST OF THE INTELLIGENCE DIVISION TO ACCEPT THE GIFT OF ONE (1) PERSONAL COMPUTER TO BE USED BY THE GANG TASK FORCE IN TRACKING GANG MEMBERS AND THEIR ACTIVITIES - APPROVED

RESOLVED, that the request of Police Captain Daniel J. Murphy, Commanding Officer, Intelligence Division, to accept the gift of one (1) personal computer to be used by the Gang Task Force in tracking gang members and their activities, be, and the same is hereby approved.

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION ADOPT A RESOLUTION APPROVING PSYCHOLOGICAL ASSESSMENT OF ENTRY LEVEL POLICE OFFICERS

Commissioner Hsieh stated that he understands the one point to be resolved is the confidentiality of the records and that Civil Service desires this Commission to make a resolution on how the records will be kept. He stated he was willing to make the motion that the resolution regarding confidentiality is taken care of. He said he believes it is necessary to have some kind of followup program to see how good it is. He said he would like to see interacting. He said regarding the resolution, he would like to propose that the records will be used solely by the authorized personnel appointed by the Police Chief or Police Commission, but he would like to strike Police Commission and hold the Chief responsible for it and that it should be kept locked up in the Chief's office or anyway he sees fit and that in no way can an outside agency or personnel have access to the records.

Then, after a period of four years name identification will be removed from all psychological reports and records after the tests have been given, they can then be kept for research purposes. He then read to the Commission his ammended resolution. He said the Commission is not totally satisfied with the program and the set up and that they would like to discuss the other areas at the next Commission meeting.

The matter is continued for one week but Sergeant Benner has tentative approval and the resolution is approved as regards confidentiality as amended by Commissioner Hsieh. And that in as much as the Police Commission has passed on the process and Civil Service, and the candidates have been notified Sgt. Benner will go ahead with the testing as scheduled, acknowledging that there are other concerns the Commission will address later.

RESOLUTION NO. 434-84

RESOLUTION APPROVING PSYCHOLOGICAL ASSESSMENT OF ENTRY LEVEL POLICE OFFICERS

WHEREAS, records generated from such psychological testing will be used solely by the authorized personnel appointed by the Chief of Police for entry level selection only and that no outside agency or persons shall have access to individuals records; and

WHEREAS, Records shall be held in safekeeping by the Chief of Police and can be removed and/or used with only with his approval; and

WHEREAS, Any psychological screening rejections shall be subject to appeal to the Civil Service Commission as a background rejection; and

WHEREAS, No specific instruments be endorsed; and

WHEREAS, A summary report be submitted at six-month intervals to the Civil Service Commission covering classifications of candidates and actions taken on the basis of candidates and actions taken on the basis of screening; therefore be it

RESOLVED, that the Police Commission hereby approves the Psyshological Assessment of Entry Leval Police Officers.

AYES: Commissioners Daly, Hsieh, Toler, Nelder
ABSENT: Commissioner Sanchez

SETTING OF DATE FOR HEARING OF THE REQUEST OF OFFICER CHARLES M. COLLINS FOR A RECOMMENDATION FOR DISABILITY RETIREMENT

Lieutenant Frazier stated that the Police Surgeon, Dr. Steiner, telephoned him and requested that the matter be put over to June 14, 1984.

RESOLUTION NO. 426-84

SETTING OF DATE FOR HEARING OF THE REQUEST OF OFFICER CHARLES M. COLLINS, TRAFFIC ADMINISTRATION, FOR DISABILITY RETIREMENT

WHEREAS, the date to be set for the hearing of the request of Officer Charles M. Collins, Traffic Administration, for disability retirement was called it having been set for this date; and

WHEREAS, the Police Commission decided that the date for the hearing of said matter be set for Thursday, June 14, 1984; therefore be it

RESOLVED, that the hearing in regard to the request for disability retirement of Officer Charles M. Collins, Traffic Administration, is set for Thursday, June 14, 1984 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly, Toler

SETTING OF DATE FOR THE HEARING OF THE REQUEST OF JAMES L. STOKES FOR A RECOMMENDATION FOR DISABILITY RETIREMENT

RESOLUTION NO. 427-84

SETTING OF DATE FOR HEARING OF THE REQUEST OF OFFICER JAMES L. STOKES, INVESTIGATIONS, FOR DISABILITY RETIREMENT

WHEREAS, the date to be set for the hearing of the request of Officer James L. Stokes, Investigations, for disability retirement, was called it having been set for this date; and

WHEREAS, the Police Commission decided that the date for the hearing of said matter be set for Thursday, June 14, 1984; therefore be it

RESOLVED, that the hearing in regard to the request for disability retirement of Officer James L. Stokes, Investigations, is set for Thursday, June 14, 1984 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION APPROVE AN AMENDMENT TO THE SAN FRANCISCO MUNICIPAL CODE (POLICE CODE): DEMONSTRATION EQUIPMENT RESTRICTIONS

Deputy Chief Eimil stated they would like the Police Commission to approve this and it will be sent to the Board of Supervisors. He said demonstrators show up with pieces of wood that amount to baseball bats or clubs. This ordinance would limit the size of the standards that anyone could use to carry their signs. If this is approved it will become part of the Municipal Police Code.

This item was approved.

RESOLUTION NO. 428-84

AMENDING PART II, CHAPTER VIII OF THE SAN FRANCISCO MUNICIPAL CODE (POLICE CODE) BY ADDING #134 THERETO, RESTRICTING THE THICKNESS, WIDTH, AND LENGTH OF LUMBAR, WOOD OR WOOD LATH USED BY PERSONS PARTICIPATING IN DEMONSTRATIONS, RALLIES, PICKETING OR PUBLIC ASSEMBLIES

WHEREAS, the possession of thick wooden poles by participants in demonstrations, rallies, picketing, or public assemblies, creates a risk of serious injury to the public and police officers; and

WHEREAS, limiting the thickness, width, and length of wooden poles will not abridge the rights of an individual to exercise freedom of speech; and

WHEREAS, the potential for violence and serious injury may be alleviated by restricting the thickness, width, and length of wooden poles carried by participants; now therefore be it

RESOLVED, that the Board of Supervisors is requested to adopt the attached amendment to the Municipal Police Code whic adds #134 thereto and which restricts the thickness, width, and length of wooden poles used by participants in demonstrations, rallies, picketing, or public assemblies.

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

REQUEST OF POLICE OFFICER BRUCE O. POWELL, COMMUNITY SERVICES, FOR A LEAVE OF ABSENCE WITHOUT PAY FROM APRIL 26, 1984 TO MAY 24, 1984, INCLUSIVE

Mr. Bley stated that a delivery man was sent to pick up leave papers for Officer Powell and delivered to him in the hospital and will be returned to the Commission Office tommorrow.

REQUEST FOR PERMISSION TO APPLY FOR AND ACCEPT A GRANT OF FUNDS FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY

Deputy Chief Eimil said the Office of Traffic Safety at the State has indicated that if the Department applies for it they will grant the department $50,000 to conduct a program that would be aimed at reducing the level of blood alcohol drunken driving cases in the City. It is currently .19 and they are trying to reduce it to .17 to increase the arrests at lower blood alcohol levels by 5%. Also to create a management information system to train 250 officers and to develop a roll call training program so all uniformed personnel will receive additional training on the detection of drunk drivers. The funds will be available almost immediately.

Commissioner Hsieh made a motion that he would like the Chief to provide periodic reports to the Commission to see what the result is.

RESOLUTION NO. 429-84

AUTHORIZING THE CHIEF OF POLICE OF THE CITY AND COUNTY OF SAN FRANCISCO TO APPLY, ACCEPT, AND EXPEND DISCRETIONARY FUNDS FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY FOR THE ... DRIVING UNDER THE INFLUENCE ENFORCEMENT PROGRAM

RESOLVED, that the Police Commission does hereby authorize the Chief of Police of the City and County of San Francisco to apply, accept, and expend discretionary funds from the California Office of Traffic Safety to be used for the Driving Under the Influence Enforcement Program, as follows:

$50,984.10 For the purpose of funding the Streamlined Drunk Driving Enforcement Program.

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION APPROVE A PROPOSED CHANGE IN UNIFORM SPECIFICATIONS

Officer Thomas Parisi, Planning and Research Division, appeared on behalf of this item and said that it has become necessary for the department to change vendors due to the inability of the present supplier to provide the department with

uniforms. He stated they would like to change the uniform fabric which would facilitate the ability of the department to obtain uniforms as the selected fabric is used by a large number of law enforcement agencies throughout the state. He said that besides a different weave, the uniform pants are a little lighter, from 19 ounces to 16 ounces. There will be brass gill buttons, the fabric is more readily available and it will be a little bit less in price. As far as heat absorption the pants are a little lighter and the shirts that are being considered are wool shirts that do in fact breathe. Several companies have expressed an interest and it will be put out to bid by the Purchaser. The striping would stay on supervisory pants and above but not on the Q-2 pants. The Police Officers' Association has given their approval. The only other difference is there is no flap on the back pants pocket and the color is one shade darker.

This matter was approved.

RESOLUTION NO. 430-84

UNIFORM SPECIFICATIONS OF THE SAN FRANCISCO POLICE DEPARTMENT APPROVED

RESOLVED, that the specifications for uniforms and equipment for members of the San Francisco Police Department be amended to read according to the attached; and be it further

RESOLVED, that these specifications shall become effective immediately upon adoption by the Police Commission.

AYES: Commissioners Hsieh, Nelder Sanchez
ABSENT: Commissioners Daly, Toler

HEARING OF POLICE OFFICER MARK SOLOMON, RECORD ROOM

The hearing of Police Officer Mark Solomon, Record Room was called it having been set for this date. Police Officer Solomon was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department.)

SPECIFICATION NO. 2

Engaging in conduct which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department.)

SPECIFICATION NO. 3

Engaging in conduct which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department.)

SPECIFICATION NO. 4

Engaging in conduct which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department.)

in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Police Officer Mark Solomon appeared in person and was represented by Mr. Stephen Bruce Bley, attorney at law.

Mr. Jerry Akins, attorney at law, appeared as the Prosecutor for the San Francisco Police Department.

An opening statement was made by Attorney Akins.

An opening statement was made by Attorney Bley.

The following named witnesses appeared for the Prosecution, were sworn, and testified:

Mr. Andrei Miles
120 Kern Street
(Pacific Bell Co.)

The following named witnesses appeared for the Defense, were sworn, and testified:

Officer Mark Solomon
SSB, Record Room

Closing statements were then made by both the Prosecuting and Defense attorneys.

The Commission took the matter under submission, after which the following resolution was adopted:

RESOLTUION NO. 477-84

DECISION - HEARING OF POLICE OFFICER MARK SOLOMON, SSB RECORD ROOM

WHEREAS, on November 5, 1982, Cornelius P. Murphy, Chief of Police, made and served charges against Police Officer Mark Solomon as follows:

SPECIFICATION NO. 1

(a) At all times herein mentioned, Mark Solomon, Star No. 327, was a police officer employed by the San Francisco Police Department;

(b) As a police officer, Officer Solomon (hereinafter, the accused)was and is responsible for knowing and obeying the rules, orders, and procedures of the San Francisco Police Department;

(c) At all times mentioned herein, the accused was on duty, in uniform, and assigned to Mission Station;

(d) On July 16, 1982 at or about 0230 hours and while in a patrol car, the accused, accompanied by his partner, Officer Williams, observed Peter Nardoza and Gregory Williams on the street in the vicinity of Diamond Street between 18th and 19th

Streets in the City and County of San Francisco;

(e) The accused and Officer Williams exited their patrol car, approached Mr. Nardoza and Mr. Williams, immediately handcuffed the two men, and placed them in the back seat of the patrol car, which already contained another man;

(f) Mr. Nardoza and Mr. Williams subsequently discovered they had been arrested for being intoxicated in a public place;

(g) Neither the accused nor Officer Williams questioned Mr. Nardoza or Mr. Williams or in any other way attempted to ascertain if the men were drunk;

(h) Officer Williams told the accused that there was more room in the back seat and that the officers should get some more of "them;"

(i) The patrol car was driven to Castro Street between 17th and 18th Streets at which location the accused and Officer Williams exited the patrol car, stopped Mr. Andre Miles, handcuffed him, and placed him in the back seat of the patrol car;

(j) All four men were subsequently driven to Mission Station, booked as being intoxicated, and subsequently released pursuant to Section 849 (b) (2) of the California Penal Code;

(k) Mr. Nardoza, Mr. Williams, and Mr. Miles were not intoxicated at the time of their arrests by the accused and Officer Williams;

(l) The conduct of the accused in arresting Mr. Nardoza, Mr. Williams, and Mr. Miles for being intoxicated when in fact these men were not intoxicated is unofficerlike conduct which reflects discredit upon the San Francisco Police Department constituting a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficerlike conduct triable and punishable by the Board."

SPECIFICATION NO. 2

(a) Each and every allegation contained in paragraphs (a) through (c) of Specification No. 1 are hereby incorporated by

reference as though each were fully set forth herein;

(b) At or about 0230 hours on July 16, 1982, Mr. Robert Gender was arrested by the accused and Officer Williams in Eureka Valley Playground, commonly known as Collingwood Park, for being intoxicated in a public place.

(c) Mr. Gender was handcuffed and placed in the rear of a patrol car and was eventually transported to Mission Station with three other men who were subsequently arrested;

(d) Upon arrival at Mission Station, the three other men were sent into the station while the accused and Officer Williams detained Mr. Gender outside;

(e) While outside the station, the accused struck Mr. Gender about the head, shoulders, and stomach with his fists;

(f) There was neither lawful justification nor excuse for the accused to strike Mr. Gender;

(g) The conduct of the accused in striking Mr. Gender with his fists without lawful justification or excuse constitutes a misconduct which reflects discredit upon the San Francisco Police Department, constituting a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department which states;

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department, or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

*SPECIFICATION NO. 4

(a) Each and every allegation contained in paragraphs (a) through (c) of Specification No. 1 are hereby incorporated by reference as though each were fully set forth herein;

(b) At or about 0325 hours on July 16, 1982, a prisoner in one of the Mission Station cells, who had been yelling for a lawyer, was removed from the cell;

(c) While the prisoner was outside the cell near the booking area, the accused, without lawful justification or excuse, struck the prisoner with his fists;

(e) When the prisoner was returned to the cell, the prisoner complained that he had been struck in the groin;

(f) By striking the prisoner without lawful justification or excuse, the accused engaged in conduct which reflects discredit upon the San Francisco Police Department constituting a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good

order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Proceduces, shall be considered unofficerlike conduct triable and punishable by the Board."

(* During closing arguments the attorney for the Police Department, Mr. Jerry Akins, requested that this dpecification be withdrawn, which was acknowledged and approved by the Police Commission.)

and

WHEREAS, a hearing on said charges was had before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, December 7, 1983 Thursday, April 5, 1984 and Thursday, May 3, 1984 the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the said charges made and filed against Police Officer Mark Solomon, Records, as contained in Specification No. 1, violation of Rule A-9 of General Order D-1, Specification No. 2, violation of Rule A-9 of General Order D-1, Specification No. 3, violation of Rule A-9 of General Order D-1 are not sustained by the evidence presented at the hearing; therefore be it

RESOLVED, that it is the order of the Police Commission that Police Officer Mark Solomon has not violated Specification No. 1, Rule A-9 of General Order D-1, Specification No. 3, Rule A-9 of General Order D-1 of the San Francisco Police Department; and be it further

RESOLVED, that it is the order of the Police Commission that Police Offficer Mark Solomon, Records, shall be restrained at the order of the Chief of Police at the Police Academy in regard to booking and searching of prisoners for whatever period of time necessary for him to become proficient in such techniques.

AYES: Commissioners Daly, Toler, Nelder
ABSENT: Commissioners Hsieh, Sanchez

(THE ENTIRE PROCEEDINGS WERE TAKEN IN SHORTHAND FORM BY MS. LINDA PRANSKY, CSR.)

THE MEETING WAS THEN ADJOURNED AT 8:50 PM

Willie E Frazier

LIENTENANT WILLIE E. FRAZIER
SECRETARY
THE POLICE COMMISSION

10 MAY 1984 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, May 10, 1984 at 1400 hours in a Special Meeting.

PRESENT: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

1. Meet and Confer - Discussion regarding Creation of Patrolman II Position in the Police Department.

Commissioner Sanchez presiding.

10 MAY 1984 REGULAR SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, May 10, 1984 at 1730 hours in Regular Session.

PRESENT: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

Commissioner Sanchez presiding.

APPROVAL OF MINUTES OF MEETINGS OF THE MONTHS OF FEBRUARY, MARCH, AND APRIL 5, 1984, THE COMMISSIONERS HAVING RECEIVED, AMENDED AND APPROVED COPIES OF SAME

Approved.

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER KENNETH J. MATHIS, PARK STATION

Mr. John Prentice, Attorney at Law, Bley and Bley, Inc. appeared for Item No. 15, Officer Paul M. Sanchez. Mr. Jerry Akins, Attorney for Police Department suggested putting it over one week for setting of date for hearing. Commissioner Nelder recommended the matter should be heard in two weeks. Mr. Prentice objected saying there are currently criminal charges pending against him and he feels it would be a violation of his rights if forced to testify before the Police Commission while criminal charges are pending. And secondly, that he is currently enrolled in Garden Sullivan Hospital, which is a 28 day program and would not be able to assist him in his preparation of the case, The Police Commission stood firm and approved the hearing for May 24.

RESOLUTION NO. 488-84

POLICE OFFICER KENNETH J. MATHIS, PARK STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Kenneth J. Mathis, Park Station, as follows:

CHARGE NO. 1

Failure to prevent crime while on duty (violation of Rule A-2 of General Order D-1 of the San Francisco Police Department);

CHARGE NO. 2

Engaging in conduct which subverts the good order, discipline and efficiency of, and reflects discredit upon, the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

by George Eimil, Acting Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Kenneth J. Mathis, Park Station, is set for Thursday, May 24, 1984 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER PAUL M. SANCHEZ, MISSION STATION

RESOLUTION NO. 489-84

POLICE OFFICER PAUL M. SANCHEZ, MISSION STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Paul M. Sanchez, Mission Station, as follows:

CHARGE NO. 1

Failure to prevent crime while off duty (violation of Rule A-2 of General Order D-1 of the San Francisco Police Department);

CHARGE NO. 2

Engaging in conduct which subverts the good order, discipline and efficiency of, and reflects discredit upon, the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

by George Eimil, Acting Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Paul M. Sanchez, Mission Station, is set for Thursday. May 24, 1984 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE SERGEANT LAYNE E. AMIOT, NORTHERN STATION

Police Attorney Akins stated a temporary restraining order was served on the department regarding this matter, saying that since Sgt. Amiot is suspended the department has to give him due process hearing prior to the 15th of May. He said the City Attorney suggested the department hold a hearing to determine if the suspension pending charges should continue. This hearing is scheduled for Monday at 1:30. Mr. Ralph Salzman appeared representing Sgt. Amiot and the Police Officers' Association. The matter was put over one week for setting.

RESOLUTION NO. 490-84

SERGEANT LAYNE E. AMIOT, NORTHERN STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Sergeant Layne E. Amiot, Northern Station, as follows:

CHARGE NO. 1

Neglect of duty (violation of Rule A-5 of General Order D-1 of the San Francisco Police Department);

CHARGE NO. 2

Failure to answer questions truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

by Acting Chief of Police George Eimil of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Sergeant Layne E. Amiot, Northern Station, is set for Thursday, May 17, 1984 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE SERGEANT MICHAEL W. McNEILL, NORTHERN STATION

Mr. Stephen Bley appeared for the officers. He stated he believes it is an impossibility to try all officers as one big unit, and because there are approximately 50 hours of tapes and the department has not produced discovery yet it is impossible to set this matter in a short period of time and the officers to get a fair hearing or proper defense. Police Attorney Gash stated it is the department's intention to split up the six officers. And that the department is in the process of getting all its discovery materials on which the charges are based available by 5 o'clock tommorrow to the Police Officers' Association. Commissioner Nelder said there has been a great deal of media attention given to this case and that he believes it should be heard as soon as possible. Commissioner Nelder made a motion that the five officers should be heard together and that Sgt. Amiot should be heard separately. Commissioner Nelder made a motion that the case against the five officers be heard on May 31, 1984. Mr. Bley objected saying it wasn't sufficient time and the eivdence isn't yet available to him. The Commission approved the hearing for May 31, 1984.

RESOLUTION NO. 491-84

POLICE SERGEANT MICHAEL W. McNEILL, NORTHERN STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Sergeant Michael W. McNeill, Northern Station, as follows:

CHARGE NO. 1

Failure to make written report of urgent police matter (violation of Rule A-26A of General Order D-1 of the San Francisco Police Department);

CHARGE NO. 2

Engaging in conduct which subverts the good order, discipline and efficiency of, and reflects discredit upon, the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

CHARGE NO. 3

Failure to answer questions truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

by George Eimil, Acting Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Sergeant Michael W. McNeill, Northern Station, is set for Thursday, May 31, 1984 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER ANTHONY J. MARCAL, NORTHERN STATION

RESOLUTION NO. 492-84

POLICE OFFICER ANTHONY J. MARCAL, NORTHERN STATION

WHEREAS, charges of violating the Rules and Regulations of the San Francisco Police Department were filed against Police Officer Anthony J. Marcal, Northern Station as follows:

SPECIFICATION NO. 1

Engaging in conduct which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to answer to questions asked by a superior truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

by George Eimil, Acting Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Anthony J. Marcal, Northern Station, is set for Thursday, May 31, 1984 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER JOSEPH M. HESSION, PARK STATION

RESOLUTION NO. 493-84

POLICE OFFICER JOSEPH M. HESSION, PARK STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Joseph M. Hession, Park Station, as follows:

SPECIFICATION NO. 1

Engaging in conduct which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to answer questions asked by a superior truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

by George Eimil, Acting Chief of Police of the San Francisco Department Police Department; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Officer Joseph M. Hession, Park Station, is set for Thursday, May 31, 1984 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER MARK G. LAGAREJOS, NORTHERN STATION

RESOLUTION NO. 494-84

POLICE OFFICER MARK G. LAGAREJOS, NORTHERN STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Mark G. Lagarejos, Northern Station, as follows:

SPECIFICATION NO. 1

Engaging in conduct which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to answer questions asked by a superior truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

by George Eimil, Acting Chief of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Mark G. Lagarejos, Northern Station, is set for Thursday, May 31, 1984 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER PETER A. BALESTRERI, NORTHERN STATION

RESOLUTION NO. 495-84

POLICE OFFICER PETER A. BALESTRERI, NORTHERN STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Peter A. Balestreri, Northern Station, as follows:

SPECIFICATION NO. 1

Engaging in conduct which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to answer questions asked by a superior truthfully

and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

by George Eimil, Acting Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Peter A. Balestreri, Northern Station, is set for Thursday, May 31, 1984 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER CLIFTON F. FOGARTY, POTRERO STATION

Mr. Gregory Winters appeared for Officer Fogarty. The matter is put over one week for setting of date for hearing.

RESOLUTION NO. 496-84

POLICE OFFICER CLIFTON F. FOGARTY, POTRERO STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Clifton F. Fogarty, Potrero Station, as follows:

SPECIFICATION NO. 1

Failure to prevent crime while off-duty (violation of Rule A-2 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

by George Eimil, Acting Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the disciplinary charges filed against Police Officer Clifton F. Fogarty, Potrero Station, is set for Thursday, May 17, 1984 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RECOMMENDATION OF THE CHIEF OF POLICE AND PURSUANT TO POLICE COMMISSION RESOLUTION NO. 283-84, FIFTY (50) NEW PERMANENT TAXICAB OWNER PERMITS SHALL BE ISSUED TO THOSE APPLICANTS FROM THE CURRENT TAXICAB APPLICANT LIST IN ACCORDANCE WITH THE ATTACHED. (PROVIDED EACH OF THE INDIVIDUALS COMPLY WITH NUMBERS 10, 11, 12, 14 AND 15 OF THE POLICE COMMISSION'S CRITERIA FOR TAXICAB OWNER PERMITS.)

The Police Commission took the following action and issued two permits to Roosevelt Williams and Allen B. Gelder in accordance with Proposition K wherein former permittee dies and returns permit to the City. In this particular case two permittees died, therefore, the two named inidviduals were granted those permits. Thereafter, 41 permits were issued to those applicants

in chronological order of the applicants on the current taxicab permit list.

RESOLUTION NO. 479-84

APPLICATION FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF TAXICABS - APPROVED

WHEREAS, the below-named persons applied to the Police Commission for a declaration by the Commission of Public Convenience and Necessity for the issuance of permits to operate a taxicab in the City and County of San Francisco; and

WHEREAS, this matter came on for hearing before the Police Commission of the City and County of San Francisco on March 22, 1981, and continued to and including March 29, 1984; and

WHEREAS, prior to the emergence of Proposition K there were approximately 711 taxicab permits in the City and County of San Francisco; and

WHEREAS, the Police Commission, pursuant to Resolution No. 283-84 has set the number at 761 taxicab permits for the City and County of San Francisco; therefore be it

RESOLVED, that it is the decision of the Commission to issure fifty (50) new taxicab owner permits, increasing the number from 711 to 761 owner permits for the City and County of San Francisco; and be it further

RESOLVED, that said owner permits shall be granted under and shall be revokable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to the below-named applicants:

Louis P. Bendana
Matthew W. Busey
John Damarco
Thomas Duncan
Tai Hasegawa
Gim F. Huey
Michael J. Kelley
Wing D. Lee
Joel C. Lipkins
James A. Maddox
Robert Manor
Admassu Mekbeb
Joshua K. Pryor
Romeo Shair-Ali
Eugene L. Sunga
Roberto Valdez
James Varcados
Joseph P. Warne
Dennis T. Wong
Joseph T. Wootton
Johnson C. Yun
James R. Bottorff
Alfred P. Choy
Richard E. DeCausemaker
Allan D. Fishel
Nick Hafiz
Dan C. Hinds
Rafik A. Jaheh
J. Howard Kelley
Frankie F. Leong
John W. Ma
Ralph J. Maher
Henry K. P. Mar (aka: Mun H. Lee)
Ruben A. Patricio
Leonard C. Ribeiro
William L. Shook, Jr.
George Tong
Harold A. Vance
Joseph M. Venegas, Jr.
King H. Wong
Eugene Yen

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION DENY TAXICAB OWNER PERMITS TO THE FOLLOWING NAMED INDIVIDUALS:

Edwin K. Grenfell
Fernando K. Portal

The Police Commission took the following action in regard to Edwin K. Grenfell and his matter is continued for two weeks for further investigation. Fernandando K. Portal was denied an applicant due to the fact he failed to respond to written notification of eligibility his application is denied.

RESOLUTION NO. 484-84

APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF A TAXICAB - DENIED

WHEREAS, Mr. Fernando K. Portal applied to the Police Commission for a declaration by the Commission of Public Convenience and Necessity for the issuance of a permit for operation of a taxicab in the City and County of San Francisco; and

WHEREAS, this matter came on for hearing before the Police Commission of the City and County of San Francisco on May 10, 1984 and

WHEREAS, the applicant did not appear before the Commission and was not represented by counsel; and

WHEREAS, Mr. Portal failed to file the appropriate application forms, failed to respond to written notification of eligibility and several attempts were made to contact him by telephone revealing that his number had been disconnected and he no longer works at the business telephone number and there was no new listing with the telephone company directory service for the Incline Village Nevada address whom on Mr. Portal's State of California Department of Motor Vehicle printout history; and

WHEREAS, written notification informing Mr. Portal of the consequences of his failure to file the taxicab owner permit application and notice of the May 10, 1984 Police Commission meeting that was sent Registered Mail Return Receipt Requested on April 30, 1984; therefore be it

RESOLVED, that it is the order of the Police Commission that because Mr. Portal has failed to respond as outlined in the ablve paragraph his application for Public Convenience and Necessity for the issuance of a Taxicab Owner Permit shall be and the same is hereby denied.

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION WITHDRAW THE BELOW NAMED INDIVIDUALS FROM THE TAXICAB APPLICANT LIST

Kee G. Dong	(480-84)	Arthur Josue	(482-84)
Gardner Hsu	(481-84)	Hae K. Park	(483-84)

The Police Commission took the following action in regard to the following applicants. The application of Kee G. Dong was withdrawn due to the fact that Mr. Dong died May 26, 1980. The application of Gardner Hsu was withdrawn because Mr. Hsu indicated in writing that he did not want to apply for the taxicab permit as it required him to drive. The application of Arthur Josue was withdrawn because Mr. Josue currently holds four taxicab owner permits. The application of Hae K. Park was withdrawn due to the fact that Mr. Park died on September 15, 1982.

RESOLUTION NO. 480-84

APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF A TAXICAB - WITHDRAWN.

WHEREAS, Mr. Kee G. Dong applied to the Police Commission for a declaration by the Commission of Public

Convenience and Necessity for the issuance of a permit for operation of a taxicab in the City and County of San Francisco; and

WHEREAS, this matter came on for hearing before the Police Commission of the City and County of San Francisco on May 10, 1984; and

WHEREAS, the applicant did not appear before the Commission and was not represented by counsel; and

WHEREAS, investigation by the Permit Section revealed that Mr. Dong died on May 26, 1980, and a copy of the death certificate is on file in the Police Department Permit Section's file; therefore be it

RESOLVED, that it is the order of the Police Commission that because of the death of Mr. Kee G. Dong his application for Public Convenience and Necessity for the operation of a taxicab owner permit shall be and the same is hereby withdrawn.

AYES: Commissioners Hsieh, Nedler, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 481-84

APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF A TAXICAB - WITHDRAWN

WHEREAS, Mr. Gardner Hsu applied to the Police Commission for a declaration by the Commission of Public Convenience and Necessity for the issuance of a permit for operation of a taxicab in the City and County of San Francisco; and

WHEREAS, this matter came on for hearing before the Police Commission of the City and County of San Francisco on May 10, 1984 and

WHEREAS, the applicant did not appear before the Commission and was not represented by counsel; and

WHEREAS, Mr. Hsu personally responded to the Police Permit Section and submitted a signed letter dated April 26, 1984, indicated that because the law required him to drive the taxicab he did not want to apply for the taxicab owner permit and therefore acknowledged in writing this particular fact; therefore be it

RESOLVED, that it is the order of the Police Commission that because Mr. Hsu indicated in writing that he did not want to apply for the taxicab owner permit as it required him to drive his application for Public Convenience and Necessity for the operation of a Vehicle-for-Hire Taxicab Owners' Permit shall be and the same is hereby withdrawn.

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly, Toler

RESOLUTION NO. 482-84

APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF A TAXICAB - WITHDRAWN

WHEREAS, Mr. Arthur Josue applied to the Police Commission for a declaration by the Commission of Public Convenience and Necessity for the issuance of a permit for operation of a taxicab in the City and County of San Francisco; and

WHEREAS, this matter came on for hearing before the Police Commission of the City and County of San Francisco on May 10, 1984; and

WHEREAS, the applicant did not appear before the Commission and was not represented by counsel; and

WHEREAS, on April 30, 1984 Mr. Josue personally responded to the Police Permit Section and submitted a signed letter dated April 30, 1984 indicating that Mr. Josue currently has a taxicab owner permit and requested that his name be removed from the taxicab Public Convenience and Necessity list; therefore be it

RESOLVED, that it is the order of the Police Commission that because Mr. Arthur Josue currently holds four (4) taxicab owner permits that his application for a new taxicab owner permit shall be and the same is hereby withdrawn.

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 483-84

APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF A TAXICAB - WITHDRAWN

WHEREAS, Mr. Hae K. Park applied to the Police Commission for a declaration by the Commission of Public Convenience and Necessity for the issuance of a permit for operation of a taxicab in the City and County of San Francisco; and

WHEREAS, this matter came on for hearing before the Police Commission of the City of San Francisco on May 10, 1984; and

WHEREAS, the applicant did not appear before the Commission and was not represented by counsel; and

WHEREAS, investigation by the Permit Section revealed that Mr. Park died on September 15, 1982 which was verified in a telephone conversation by Mr. Park's wife; therefore be it

RESOLVED, that it is the order of the Police Commission that because of the death of Mr. Hae K. Park his application for Public Permit shall be and the same is hereby withdrawn.

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly, Toler

RECOMMENDATION OF THE CHIEF OF POLICE THAT EACH OF THE BELOW NAMED TAXICAB OWNER PERMIT APPLICANTS HAVE THEIR HEARINGS FOR TAXICAB OWNER PERMITS CONTINUED FOR TWO (2) WEEKS:

Fred J. Arkeder, Jr.
Wendell C. Farr

This matter was continued for two weeks.

(THE ENTIRE PROCEEDINGS WERE TAKEN IN SHORTHAND FORM BY MS. LINDA PRANSKY, CSR.)

APPROVAL OF CONSENT CALENDAR

Sgt. Newlin appeared and said he would like to indefinitely remove Item #14 from the calendar to give the department time to resurvey the situation.

Regarding Item No. 6 individuals representing each side appeared. Mr. Jacob Shuman spoke in favor of revoking the green zone saying they periodically parked their own truck in the green zone and that they didn't generate enough business for the green zone. He said people living in the area have a hard time getting parking spaces and this could be used for their benefit. Mr. and Mrs. Bennatyne appeared in favor of the green zone as it is for their antique shop. Sergeant Newlin stated the department is recommending that the existing green zone be reduced to one, which would satisfy the needs of the store and make an additional parking space for the neighborhood, and would further recommend that they move the green zone off to 11th Avenue onto California Street. However at this point the recommendation is for one zone only. The matter was approved by the Commission.

RECOMMENDATION OF THE TRAFFIC BUREAU ON THE INSTALLATION OF ZONING FOR REGULATION OF TRAFFIC ON THE PUBLIC STREETS

3661 BUCHANAN ST (NORTH POINT) "TUSKER CORP" — GRANT

At 3727 Buchanan Street, INSTALL 22' White Zone from 23' to 45' north of the south line.

1701 VAN NESS AV (SACRAMENTO ST) "CALIFORNIA DODGE" — GRANT

At 1801 Sacramento Street, INSTALL 31' Yellow Zone from 84' to 115' west of the east property line. Also paint 3' Red Zone on each driveway tip. Four tips totaled.

550 BRYANT ST (3rd ST) "S.F. PRODUCTION GROUP" — GRANT

At 550 Bryant Street, INSTALL 22' Green Zone from 2' to 24' west of the east property line of 550 Bryant Street.

1901 OAKDALE AV (QUINT ST) "GALIEE MISSION BAPTIST CHURCH" — GRANT

At 1401 Quint Street, INSTALL 22' White Zone from 18' to 40' south of Oakdale Avenue on Quint Street.

130 CHURCH ST (DUBOCE ST) "S.F.P.D." — REVOKE

At 130 Church Street, REVOKE 38' Green Zone from north property line 38' south.

1200 SACRAMENTO ST (TAYLOR ST) "S.F.P.D." — REVOKE

At 1200 Sacramento Street, REVOKE 27' White Zone from 30' to 57' west of Taylor Street.

749 LARKIN ST (O'FARRELL ST) "NOUBAR DEMIRJIAN" — REVOKE

At 749 Larkin Street, REVOKE 24' Yellow Zone from 32' to 56' south of O'Farrell Street.

4041 GEARY BLVD (4th AV) "S.F.P.D." — REVOKE

At 4041 Geary Boulevard, REVOKE 45' Yellow Zone from 27' to 72' east of west peoperty line.

47 - 51 DUBOCE ST "S.F.P.D." — REVOKE

At 47 - 51 Duboce Street, REVOKE 55' Green Zone west property line 55' east of #55 Duboce Street.

106 PARNASSUS AV (COLE ST) "S.F.P.D." REVOKE

At 106 Parnassus Avenue, REVOKE 19' White Zone from 9' to 28' north of Parnassus Avenue. INSTALL One (1) One Hour Parking Meter.

790 SILVER AV (COLE ST) "S.F.P.D." REVOKE

At 100 Pioche Street, REVOKE 42' Green Zone from 6' to 48' west of Cambridge Avenue.

2 SADOWA ST (SAN JOSE AV) "S.F.P.D." REVOKE

At 2 Sadowa Street, REVOKE 44' Green Zone from 6' to 50' west of the east property line.

3755 BUCHANAN ST (NORTH POINT)"S.F.P.D."REVOKE

At 3755 Buchanan Street, REVOKE 24' White Zone from 24' to 48' south of north line of building.

REVOKED

RESOLVED, that the recommendation of the Traffic Bureau on the revocation of 318 feet of green, blue, yellow and White zones at the parts of the City, at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly, Toler

RECOMMENDATION OF THE CITY ATTORNEY FOR SETTLEMENT OF THE FOLLOWING CLAIMS AGAINST THE CITY AND COUNTY OF SAN FRANCISCO:

RESOLUTION NO. 497-84

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $87.75 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 6, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 498-84

AMY M. HILL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Amy M. Hill against the City and County of San Francisco in the sum of $53.25 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 2, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 499-84

CARLOS A. LOPEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Carlos A. Lopez against the City and County of San Francisco in the sum of $53.25 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 27, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 500-84

LESLIE J. WATSON & TIMOTHY A. KELLOGG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Leslie J. Watson & Timothy A. Kellogg against the City and County of San Francisco in the sum of $53.25 as the result of damages sustained, be, and the sume is hereby approved.

Date of Incident: April 6, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 501-84

TOM LYNDON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Tom Lyndon against the City and County of San Francisco in the sum of $53.25 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 13, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 502-84

DANIELLE COATHI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Danielle Coathi against the City and County of San Francisco in the sum of $53.25 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 6, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 503-84

MARLENE CALCAGNI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Marlene Calcagni against the City and County of San Francisco in the sum of $53.25 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 11, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 504-84

EDGARDO HINAJON, JR.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Edgardo Hinajon, Jr. against the City and County of San Francisco in the sum of $53.25 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 6, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 505-84

GILLIAN BLAIR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gillian Blair against the City and County of San Franciso in the sum of $53.25 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 10, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 506-84

STACEY P. YING

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Stacey P. Ying against the City and County of San Francisco in the sum of $50.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 9, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 507-84

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $27.60 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 9, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 508-84

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $27.60 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 15, 1984

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 509-84

AUTHORIZING ATTENDANCE OF CAPTAIN CHARLES BEENE, CONVENTION PLANNING UNIT, AT THE EMERGENCY MANAGEMENT COURSE IN EMMITSBURG, MARYLAND FROM MAY 8 TO MAY 12, 1984

RESOLVED, that the recommendation of the Chief of Police that Captain Charles Beene, Convention Planning Unit, be authorized to attend the Emergency Management Course, conducted by the Federal Emergency Management Agency (FEMA) in Emmitsburg, Maryland from May 8 to May 12, 1984, be, and the same is hereby approved, and be it further

RESOLVED, that the expenses incurred by the above named member of the Police Department in a sum not to exceed $571.00 for meals and transportation will be defrayed from the Department Training Fund.

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 511-84

AUTHORIZING ATTENDANCE OF SERGEANTS JAMES GRIFFIN AND MICHAEL WILLIAMS AND OFFICERS RAYMOND SHINE, DOUGLAS FOSS AND EDWARD WEAVER AT THE ADVANCED TRAFFIC ACCIDENT INVESTIGATION COURSE IN SACRAMENTO CA FROM MAY 14 TO MAY 25, 1984

RESOLVED, that the recommendation of the Chief of Police that Sergeants James Griffin and Michael Williams and Officers Raymond Shine, Douglas Foss and Edward Weaver be authorized to attend the Advanced Traffic Accident Investigation Course in Sacramento, CA from May 14 to May 25, 1984, be, and the same is hereby approved; and be it further

RESOLVED, that all expenses incurred by the above named members of the Police Department in the sum of $1,084.00 each for subsistence, travel and tuition are reimbursable by P.O.S.T.

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

POLICE COMMISSION REPORT

Commissioner Sanchez stated that he and Commissioner Nelder had an opportunity to participate in the review stand at the 61st Patrol Safety of San Francisco where approximately 60 schools were represented. He stated he wanted to congratulate our staff who were involved in training and working with the young people and all the schools throughout the City to insure the safety of children going to and from school.

Commissioner Hsieh asked if there was any progress on the replacement of the two stations and the Police Range. Deputy Chief Eimil said he will have Deputy Chief Trueb send a report on the results. Commissioner Hsieh asked Deputy Chief Mullen for an up-to-date report regarding the security preparation regarding the Democratic National Convention. Deputy Chief Mullen stated he would be addressing the Commission on this in the near future.

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION ADOPT A RESOLUTION AUTHORIZING THE SAN FRANCISCO POLICE DEPARTMENT TO ENTER INTO A CONTRACT WITH THE SAN FRANCISCO S.A.F.E., INC. FOR ANTI-CRIME SERVICES FOR THE FISCAL YEAR 1984-1985

Gwen Battle appeared on behalf of Project SAFE and stated they are coming before the Commission to request approval of their resolution to the Board of Supervisors to continue their contract with the City and the Police Department for the continuation of Crime Prevention Services. Commissioner Sanchez stated there is a letter from Chief Murphy that the staff concurs. The matter was approved by the Commission.

CONCURRING WITH THE CONTROLLER'S CERTIFICATION THAT SAN FRANCISCO SAFE'S ANTI-CRIME SERVICES CAN BE PRACTICALLY PERFORMED BY PRIVATE CONTRACTOR FOR LOWER COST THAN SIMILAR WORK PERFORMED BY CITY AND COUNTY EMPLOYEES.

WHEREAS, the electorate of the City and County of San Francisco passed Proposition J in November 1976 adding Section 8.300-1 to the Charter allowing City Departments to contract with private companies for specific services which can be practically performed for a lower cost than similar work by City and County employees; and

WHEREAS, San Francisco SAFE (Safety Awareness for Everyone) is a program which provides crime prevention education and assistance to the citizens of San Francisco with emphasis on planning, coordinating, organizing and implementing crime prevention activities throughout the City; and

WHEREAS, San Francisco SAFE endeavors to bring citizens and police together to improve police-citizen interactions and involves citizens directly in their neighborhoods to work towards reduction of crime in San Francisco; and

WHEREAS, the San Francisco Police Department wishes to contract with San Francisco SAFE: and

WHEREAS, San Francisco SAFE does not diminish job security for City employees; and

WHEREAS, the Controller has certified on April 17, 1984, that said services can be performed at lower cost to the City and County than by employees of the City and County; now therefore be it

RESOLVED, that this Board of Supervisors hereby concurs with the Controller's certification and approves that the San Francisco Police Department may contract for the comprehensive anti-crime services of San Francisco SAFE.

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

CHIEF'S REPORT TO THE POLICE COMMISSION

No Report.

REQUEST OF POLICE OFFICER BRUCE O. POWELL, COMMUNITY SERVICES FOR A LEAVE OF ABSENCE IWTHOUT PAY FROM APRIL 26, 1984 TO MAY 24, 1984, INCLUSIVE (APPROVED)

RESOLUTION NO. 485-84

LEAVE OF ABSENCE WITHOUT PAY PENDING HEARING OF CHARGES - APPROVED.

WHEREAS, Police Officer Bruce O. Powell, Community Services Division, was suspended without pay effective March 22, 1984 at 2330 hours, pending hearing of charges before the Police Commission; and

WHEREAS, Police Officer Bruce O. Powell, Community Services, has requested a Leave of Absence Without Pay pending hearing of the charges before the Police Commission; therefore be it

RESOLVED, that Police Officer Bruce O. Powell, Community Services, be placed on a Leave of Absence Without Pay at his request for a period of thrity (30) days commencing April 26, 1984, be, and the same is hereby approved.

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

DISCUSSION IN REGARD TO PSYCHOLOGICAL ASSESSMENT OF ENTRY LEVEL POLICE OFFICERS

Commission Sanchez stated that this item will be held over for two weeks. He said perhaps at that time we can begin some reports on stress programs and other programs the department has undertaken pertaining to how effective staff has viewed it and what evaluation process we are using to show there has been some significant gains and that whoever is in charge of those programs to be at the Commission Meeting and provide the Commission with documentation so it can be reviewed. Commissioner Hsieh said he would request that Dr. Roberts be here relative to questions on his performance procedures and how he plans to implement this program. Also he would like Sgt. Benner to report to the Commission if a monitor program on quality control can be developed. Also that he would like to see some consideration given to the so-called in-service counseling unit, although that may be beyond Sgt. Benner's program, but he would like to see that direction.

HEARING OF PATROL SPECIAL OFFICER RALPH C. LACEY, CENTRAL STATION

The matter of the hearing of Patrol Special Officer Ralph C. Lacey, Central Station, was called it having been set for this date.

Patrol Special Officer Ralph C. Lacey appeared in person and was represented by Ms. Jo Nell Biancalana, attorney at law.

Mr. Michael Gash, attorney at law, appeared on behalf of the San Francisco Police Department.

An opening statement was made by Attorney Gash.

Attorney Biancalana reserved an opening statement until the conclusion of the Department's case. Attorney Biancalana also made the following motions: 1) Motion to disallow Captain Willis Casey to sit in on the hearing while it is in process. 2) Motion to strike Specification No. 1, with written brief to substantiate reasons for dismissal.

Both motions of Attorney Biancalana were duly noted by the Commission and denied.

The following-named witnesses were called by the Prosecution, were sworn, and testified:

Mr. Abel Adleoui
417 O'Farrell Street
San Francisco, California

Sergeant John Harrington
Central Station

The following exhibits were submitted as evidence by the Prosecution:

Exhibit #1 - Quotation to L'Orangerie Restaurant in regard to rates, from owner of Beat No. 46.

Exhibit #2 - Contract signed by Patrol Special Officer R.C. Lacey agreeing to furnish the L'Orangerie and Marrakech Restaurants with patrol services.

Exhibit #3 - Citation No. 0134876611 consigned to Abdellah Adlaoui, dated April 15, 1983.

Exhibit #4 - List of citations on the 400 block of O'Farrell Street and Shannon Alley from 01/09/83 to 03/13/83.

Exhibit #5 - List of Citations on the 400 block of O'Farrell Street and Shannon Alley from 03/15/83 to 04/23/83.

After listening to testimony from the above parties, the Police Commission then adjourned at 2132 hours and the matter was continued to Thursday, June 7, 1984 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

(The entire preceedings were taken in shorthand form by Ms. Linda Pransky, CSR)

Recesses Taken:

2037 hours to 2044 hours

THE MEETING WAS THEN ADJOURNED AT 9:32 PM

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

17 MAY 1984 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Thursday, May 17, 1984 at 1630 hours in a Special Meeting.

PRESENT: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

1. Attorney-Client Conference

Commissioner Nelder presiding.

17 MAY 1984 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, May 17, 1984 at 1730 hours in a Regular Meeting.

PRESENT: Commissioners Daly, Toler, Hsieh
ABSENT: Commissioner Sanchez

Commissioner Nelder presiding.

APPROVAL OF CONSENT CALENDAR

RECOMMENDATION OF THE CITY ATTORNEY FOR SETTLEMENT OF THE FOLLOWING CLAIMS AGAINST THE CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. 524-84

JOHN E. HERSHEY

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of John E. Hershey in Superior Court Action No. 764-552 entited "John E. Hershey vs. City and County of San Francisco, et al.," in the sum of $79,995.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 21, 1979

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 525-84

DAVID M. KELLEY

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of David M. Kelley against the City and County of San Francisco in W.S. District Court Action No. C83-5761 RPA entitled "David M. Kelley vs. City and County of San Francisco," in the sum of $350.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 18, 1983

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 526-84

PAUL K. HARSHBARGER

RESOLVED, that the recommendation of the City Attorney for

settlement of the claim of Paul K. Harshbarger against the City Attorney for settlement of the claim of Paul K. Harshbarger against the City and County of San Francisco in the sum of $284.05 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 14, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 527-84

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $129.50 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 19, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 528-84

BRUCE TIDBALL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Bruce Tidball against the City and County of San Francisco in the sum of $105.20 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 25, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 529-84

GREGORY A. WALKER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gregory A. Walker against the City and County of San Francisco in the sum of $93.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 4, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 530-84

MAGIE SONNIER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Magie Sonnier against the City and County of San Francisco in the sum of $90.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 25, 1983

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioners Sanchez

RESOLUTION NO. 531-84

EMANIE SPITERI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Emanie Spiteri against the City and County of San Francisco in the sum of $68.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 13, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 532-84

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $87.75 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 18, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 533-84

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $76.25 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 18, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 534-84

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $53.25 as result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 17, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 535-84

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $27.60 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 14, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 536-84

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $27.60 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 14, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 537-84

SUSAN SARGIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Susan Sargis against the City and County of San Francisco in the sum of $20.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 13, 1983

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 538-84

FRED WADLINGTON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Fred Walington against the City and County of San Francisco in the sum of $53.25 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 11, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 539-84

YELLOW CAB CO-OP, INC.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Yellow Cab Co-Op, Inc. against the City and County of San Francisco in the sum of $53.25 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 11, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 540-84

THORN ROBERTSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Thorn

Robertson against the City and County of San Francisco in the sum of $52.25 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 6, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 541-84

ROBERT L. ROAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert L. Roan against the City and County of San Francisco in the sum of $52.25 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 19, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 542-84

A. JAMES NIKAS, III

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of A. James Nikas, III against the City and County of San Francisco in the sum of $53.25 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 4, 1984

AYES: Commissioners Daly, Toler Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 543-84

WILLIAM D. LUBART

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of William D. Lubart against the City and County of San Francisco in the sum of $53.25 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 6, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 544-84

MURRAY J. LUBISCH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Murray J. Lubisch against the City and County of San Francisco in the sum of $53.25 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 5, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 545-84

KENNETH MURAKAMI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kenneth Murakami against the City and County of San Francisco in the sum of $53.25 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 6, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 546-84

JEFFREY L. ESTES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jeffrey L. Estes against the City and County of San Francisco in the sum of $53.25 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 12, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 547-84

STEVEN FIEDMEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Steven Friedman against the City and County of San Francisco in the sum of $53.25 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 4, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 548-84

ESTELLA HABAL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Estella Habal against the City and County of San Francisco in the sum of $53.25 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 9, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 549-84

A.C. LACY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of A.C. Lacy against the City and County of San Francisco in the sum of $53.25 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 26, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 550-84

RALPH H. LIVINGSTON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ralph H. Livingston against the City and County of San Francisco in the sum of $53.25 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 11, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 551-84

THORMAN W. CLAY, JR.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Thorman W. Clay, Jr. against the City and County of San Francisco in the sum of $53.25 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 13, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSNET: Commissioner Sanchez

RESOLUTION NO. 552-84

DAVID A, CHAPPELL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David A. Chappell, against the City and County of San Francisco in the sum of $53.25 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 9, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 553-84

AUTHORIZING ATTENDANCE OF CAPTAIN HENRY EIDLER, RECORDS DIVISION AT THE NATIONAL UNIFORM CRIME REPORTING (UCR) CONFERENCE IN QUANTICO, VIRGINIA, FROM JULY 9 TO JULY 12, 1984

RESOLVED, that the recommendation of the Chief of Police that Captain Henry Eidler, Records Division, be, authorized to attend the National Uniform Crime Reporting (UCR) Conference conducted by the Federal Bureau of Investigation in Quantico, Virginia from July 9 to July 12, 1984, be, and the same is hereby approved; and be it further

RESOLVED, that all expenses incurred by the above-named member of the Police Department will be paid for by the Federal Bureau of Investigation at no cost to this Department.

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 554-84

AUTHORIZING ATTENDANCE OF SIXTEEN (16) MEMBERS OF THE TACTICAL DIVSION AT THE F. B. I. - S. W. A. T. TRAINING AT FORD ORD, CA FROM MAY 22 TO MAY 24, 1984

RESOLVED, that the recommendation of the Chief of Police

that sixteen (16) members of the Tactical Division be authorized to attend the F. B. I. - S. W. A. T. Training, conducted by the Federal Bureau of Investigation at Ford Ord, California from May 22 to May 24, 1984, be, and the same is hereby approved; and be it further

RESOLVED, that all expenses incurred by the above-named members of the Police Department in the amount of $206.50 each for subsistence and travel will be defrayed from the Department Training Fund.

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 555-84

AUTHORIZING ATTENDANCE OF SGT. ALAN BENNER, CONSENT DECREE UNIT, AT THE CALIFORNIA PEACE OFFICERS ASSOCIATION 64th TRAINING CONFERENCE IN ANAHEIM, CA FROM MAY 20 TO MAY 23, 1984

RESOLVED, that the recommendation of Acting Chief George Eimil that Sergeant Alan Benner, Consent Decree Unit, be authorized to attend the California Peace Officers Association 64th Training Conference in Anaheim, California from May 20 to May 23, 1984, be, and the same is hereby approved; and be it further

RESOLVED, that all expenses incurred by the above-named member of the Police Department in a sum not to exceed $445.00 for registration fees, subsistence and travel will be defrayed from the Department Training Fund.

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 556-84

AUTHORIZING ATTENDANCE OF DEPUTY CHIEF KEVIN MULLEN, STAFF SERVICES, AT THE CALIFORNIA PEACE OFFICERS ASSOCIATION 64TH TRAINING CONFERENCE IN ANAHEIM, CA FROM MAY 21 TO MAY 23, 1984.

RESOLVED, that the recommendation of the Acting Chief of Police George Eimil that Deputy Chief of Police Kevin Mullen, Staff Services, be authorized to attend the California Peace Officers Association 64th Training Conference in Anaheim, California from May 21 to May 23, 1984, be, and the same is hereby approved; and be it further

RESOLVED, that all expenses incurred by the above-named member of the Police Department in a sum not to exceed $397.00 for registration fees, subsistence and travel will be defrayed from the Department Training fund.

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 557-84

AUTHORIZING ATTENDANCE OF CAPTAIN KENNETH FOSS, TRAFFIC BUREAU AT THE CALIFORNIA PEACE OFFICERS 64th TRAINING CONFERENCE IN ANAHEIM, CA FROM MAY 20 TO MAY 23, 1984

RESOLVED, that the recommendation of the Acting Chief of Police George Eimil that Captain Kenneth Foss, Traffic Bureau, be authorized to attend the California

Peace Officers 64th Training Conference in Anaheim, California from May 20 to May 23, 1984, be, and the same is hereby approved; and be it further

RESOLVED, that all expenses incurred by the above-named member of the Police Department in a sum not to exceed $455.00 for registration fees, subsistence and travel will be defrayed from the Department Training Fund.

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

POLICE COMMISSION REPORT

Commissioner Nelder said he had a letter from the Mexican-American Political Association and requested Deputy Chief Eimil to look into the matter.

CHIEF'S REPORT TO THE POLICE COMMISSION

No Report.

SETTING OF DATE FOR HEARING OF SERGEANT LAYNE E. AMIOT, NORTHERN STATION

Mr. Jerry Akins appeared for the Police Department and requested a hearing date of July 5, 1984. Mr. Ralph Saltzman appeared for Sergeant Amiot. The matter was set for hearing on July 5th.

RESOLUTION NO. 512-84

SETTING OF DATE FOR HEARING OF SERGEANT LAYNE E. AMIOT, NORTHERN STATION

WHEREAS, the date to be set for the disciplinary hearing of Police Sergeant Layne E. Amiot, Northern Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Jerry Akins, attorney for the San Francisco Police Department, that the date for the hearing before the Police Commission be set for July 5, 1984; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Sergeant Layne E. Amiot, Northern Station, is set for Thursday, July 5, 1984 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

SETTING OF DATE FOR HEARING OF OFFICER CLIFTON F. FOGARTY, POTRERO STATION

Mr. Michael Gash appeared for the Police Department and recommended the hearing be held on June 14, 1984. Mr. Gregory Winters appeared for Officer Fogarty. Hearing to be held on June 14, 1984.

RESOLUTION NO. 513-84

SETTING OF DATE FOR HEARING OF OFFICER CLIFTON F. FOGARTY, POTRERO STATION

WHEREAS, the date to be set for the disciplinary hearing of Police Officer Clifton F. Fogarty, Potrero Station, was

called it having been set for this date; and

WHEREAS, it was requested by Mr. Michael Gash, attorney for the San Francisco Police Department, that the date for the hearing before the Police Commission be set for June 14, 1984; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Clifton F. Fogarty, Potrero Station, is set for Thursday, June 14, 1984 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

SETTING OF DATE FOR HEARING OF OFFICER DANIEL MARR, PARK STATION

Mr. Jerry Akins appeared for the Police Department and said Officer Marr's Attorney, Jerry DeFillippo, has filed a motion to make discovery on records of the Brisbane Police Department. Mr. Akins recommended June 14, 1984 for setting of date for hearing, which was approved by the Commission.

RESOLUTION NO. 514-84

SETTING OF DATE FOR HEARING OF OFFICER DANIEL MARR, PARK STATION

WHEREAS, the date to be set for the disciplinary hearing of Police Officer Daniel Marr, Park Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Jerry DeFillippo, attorney for Officer Daniel Marr, that the date for the hearing before the Police Commission be set for June 14, 1984; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Daniel Marr, Park Station, is set for Thursday, June 14, 1984 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

HEARING OF POLICE OFFICER DOUGLAS HANSEN, POTRERO STATION

Mr. Gash appeared for the Police Department. He said Officer Hansen's hearing was scheduled for tonight but because of the absence of Commissioner Sanchez he would request the conclusion of the hearing be held over to June 14, 1984. This matter was approved for June 14, 1984.

RESOLUTION NO. 520-84

POLICE OFFICER GARRETT N. TOM, PARK STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Garrett N. Tom, Park Station: as follows:

CHARGE NO. 1

Engaging in conduct which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

CHARGE NO. 2

Engaging in conduct which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

CHARGE NO. 3

Failure to answer questions truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

by George Eimil, Acting Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that because of technical reasons, the Police Commission will hereby continue the matter off calendar.

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 519-84

HEARING OF POLICE OFFICER DOUGLAS HANSEN, POTRERO STATION

WHEREAS, the hearing of Police Officer Douglas Hansen, Potrero Station, was called it having been set for this date; and

WHEREAS, it has been requested by Mr. Michael Gash, attorney for the San Francisco Police Department, that the matter be continued to June 14, 1984; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Douglas Hansen, Potrero Station, is set for Thursday, June 14, 1984 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

HEARING OF POLICE OFFICER DONALD R. RAMIREZ, CENTRAL STATION

Mr. Jerry Akins appeared for the Police Department. He suggested since this was not a suspension case, the hearing might be held sometime in August. The Commission approved the hearing date for August 23, 1984.

RESOLUTION NO. 515-84

WHEREAS, the hearing of Police Officer Donald R. Ramirez, Central Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Jerry Akins, attorney for the San Francisco Police Department, that the matter be continued to August 23, 1984; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Donald R. Ramirez, Central Station, is continued to Thursday, August 23, 1984 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER JOHN A. POELSTRA, POTRERO STATION

Mr. Akins recommended one week for setting of date so Officer Poelstra can get some representation. The Commission approved one week for setting.

RESOLUTION NO. 521-84

POLICE OFFICER JOHN A. POLSTRA, POTRERO STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer John A. Poelstra, Potrero Station, as follows:

CHARGE NO. 1

Failure to comply with department standards (violation of Section II, Subsection A-1 of General Order B-1 of the San Francisco Police Department).

by George Eimil, Acting Chief of Police of the San Franciso Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Polie Officer John A. Poelstra, Potrero Station, is set for Thursday, May 24, 1984 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RECOMMENDATION OF THE ACTING CHIEF OF POLICE THAT THE POLICE COMMISSION APPROVE THE CHARTER AMENDMENT TO SECTION 8.340

RESOLUTION NO. 522-84

RECOMMENDATION OF THE ACTING CHIEF OF POLICE THAT THE POLICE COMMISSION APPROVE THE CHARTER AMENDMENT TO SECTION 8.340

WHEREAS, Charter Section 8.340 establishes the probationary period of members of the uniform rank of the police department to be one year; and

WHEREAS, the period of training of new police officers extends for a total of eight months, leaving only four months of the present probationary period to permit on-the-street evaluation of police officers; and

WHEREAS, it is the determination of the Chief of Police and the Police Commission of the City and County of San Francisco that this period of time is not sufficient to evaluate the abilities of recently hired police officers; now therefore be it

RESOLVED, that the Police Commission of the City and County of San Francisco does hereby request that the Board of Supervisors of the City and County of San Francisco submit to the voters and recommend for their adoption the attached amendment to Charter Section 8.340.

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER BERNICE ALSOBROOK, NORTHERN STATION

Mr. Akins recommend one week for setting of date for hearing. It was approved for one week for setting of date of hearing.

RESOLUTION NO. 523-84

POLICE OFFICER BERNICE ALSOBROOK, NORTHERN STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Bernice Alsobrook, Northern Station, as follows:

CHARGE NO. 1

Neglect of duty (violation of Rule A-5 of General Order D-1 of the San Francisco Police Department);

CHARGE NO. 2

Engaging in conduct which subverts the good order and discipline of the department and brings discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

by George Eimil, Acting Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Bernice Alsobrook, Northern Station, is set for Thursday, May 24, 1984 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

HEARING OF POLICE OFFICER KEVIN DEMPSEY, SUPPORT SERVICES BUREAU/COMMUNICATIONS

RESOLUTION NO. 516-84

HEARING OF POLICE OFFICER KEVIN DEMPSEY, SSB, COMMUNICATIONS

WHEREAS, the hearing of the disciplinary charges filed against Police Officer Kevin Dempsey, SSB, Communications, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Jerry Akins, attorney for the Police Department, that the matter be continued to Monday, July 23, 1984; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Kevin Dempsey, SSB, Communications, is set for Monday, July 23, 1984, at 9:00 a.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner

HEARING OF POLICE OFFICER LEONARD JEONG, PROPERTY CONTROL

RESOLUTION NO. 517-84

HEARING OF POLICE OFFICER LEONARD JEONG, PROPERTY CONTROL

WHEREAS, the hearing of the disciplinary charges filed against Police Officer Leonard Jeong, Property Control, was

called it having been set for this date; and

WHEREAS, it was requested by Mr. Jerry Akins, attorney for the Police Department, that the matter be continued to July 23, 1984; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Leonard Jeong, Property Control, is set for Monday, July 23, 1984, at 9:00 a.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

HEARING OF POLICE OFFICER MARTY WAY, PROPERTY CONTROL

RESOLUTION NO. 518-84

HEARING OF POLICE OFFICER MARTY WAY, PROPERTY CONTROL

WHEREAS, the hearing of the diciplinary charges filed against Police Officer Marty Way, Property Control, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Jerry Akins, attorney for the San Francisco Police Departmemt, that the matter be continued to July 23, 1984; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Marty Way, Property Control, is set for Monday, July 23, 1984 at 9:00 a.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

THE MEETING WAS THEN ADJOURNDED AT 6:25 PM

Willie E. Frazier

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, on Thursday, May 24, 1984 at 1730 hours in a Regular Meeting.

PRESENT: Commissioners Toler, Hsieh, Nelder
ABSENT: Commissioners Daly, Sanchez

Commissioner Nelder presiding.

APPROVAL OF CONSENT CALENDAR

RECOMMENDATION OF THE TRAFFIC BUREAU ON THE INSTALLATION OF ZONING FOR THE REGULATION OF TRAFFIC ON THE PUBLIC STREETS

1399 McALLISTER ST "THIRD BAPTIST CHURCH" GRANT

INSTALL 22' Blue Zone from 38' to 60' north of the south building line.

2183 GREENWICH ST "OSTERIA ROMANA" GRANT

INSTALL 22' Special White Zone from 3' to 25' south of Greenwich Street. Install sign on Meter FIL 3128 Special Passenger Zone 6 p.m. to 2 a.m.

340 BRYANT ST "XERVICE CENTER" GRANT

INSTALL 20' Yellow Zone from 60' to 80' west of the east property line of 330 Bryant Street.

301 DETROIT ST "SUNNYSIDE GROCETERIA" GRANT

INSTALL 22' Green Zone from the east property line of 301 Detroit Street, 22' west.

1343 STOCKTON ST "F.W. WOOLWORTH CO." GRANT

INSTALL 58' Special Truck Loading Zone from 90' to 148' south on Stockton Street. REVOKE 58' Yellow Zone from 90' to 148' south of Vallejo Street on Stockton Street.

749 TAYLOR ST "THE AMSTERDAM HOTEL" DENY

INSTALL, 20' White Zone from 76' to 96' south of Bush Street on Taylor Street. REMOVE Meter TAY 721.

1702 LAGUNA ST "S.F.P.D." REVOKE

REVOKE 18' Green Zone from 16' to 34' north of Sutter Street.

2108 GEARY BLVD "S.F.P.D." REVOKE

REVOKE 30' Yellow Zone from 112' to 142' east of Divisadero Street.

2183 GREENWICH ST "ADOLF VERONESE" REVOKE

REVOKE 22' Yellow Zone from 70' to 92' east of Fillmore Street on Greenwich Street.

344 ELLIS ST "S.F.P.D." REVOKE

REVOKE 22' White Zone east from west property line.

REVOKED

RESOLVED, that the recommendation of the Traffic Bureau on the revocation of 92 feet of yellow, white and green zones at the parts of the City, at the locations submitted be, and the same is hereby approved.

AYES: Commissioners Toler, Hsieh, Nelder
ABSENT: Commissioners Daly, Sanchez

RECOMMENDATION OF THE CITY ATTORNEY FOR SETTLEMENT OF THE FOLLOWING CLAIMS AGAINST THE CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. 568-84

JACQUELINE BERRY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jacqueline Berry against the City and County of San Francisco in the sum of $49.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 12, 1984

AYES: Commissioners Toler, Hsieh, Nelder
ABSENT: Commissioners Daly, Sanchez

RESOLUTION NO. 569-84

GARY A. MILLER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gary A. Miller against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 8, 1984

AYES: Commissioners Toler, Hsieh, Nelder
ABSENT: Commissioners Daly, Sanchez

RESOLUTION NO. 570-84

ALAN W. BUDENZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Alan W. Budenz against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 5, 1984

AYES: Commissioners Toler, Hsieh, Nelder
ABSENT: Commissioners Daly, Sanchez

RESOLUTION NO. 571-84

DAVID R. MILLER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David R. Miller against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 23, 1984

AYES: Commissioners Toler, Hsieh, Nelder
ABSENT: Commissioners Daly, Sanchez

RESOLUTION NO. 572-84

DAVID VREELAND

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David Vreeland against the City and County of San Francisco in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 30, 1984

AYES: Commissioners Toler, Hsieh, Nelder
ABSENT: Commissioners Daly, Sanchez

RESOLUTION NO. 573-84

CARMEN L. MELENDEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Carmen L. Melendez against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 14, 1984

AYES: Commissioners Toler, Hsieh, Nelder
ABSENT: Commissioners Daly, Sanchez

RESOLUTION NO. 574-84

DAVID SAWIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David Sawin against the City and County of San Francisco in the sum of $23.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 22, 1984

AYES: Commissioners Toler, Hsieh, Nelder
ABSENT: Commissioners Daly, Sanchez

RESOLUTION NO. 575-84

JAY M. GOODFRIEND

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jay M. Goodfriend against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 25, 1984

AYES: Commissioners Toler, Hsieh, Nelder
ABSENT: Commissioners Daly, Sanchez

RESOLUTION NO. 576-84

UTE M. KOLLATH-THOMAS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ute M. Kollath-Thomas against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 25, 1984

AYES: Commissioners Toler, Hsieh, Nelder
ABSENT: Commissioners Daly, Sanchez

RESOLUTION NO. 577-84

TAMMY WASHINGTON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Tammy Washington against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 5, 1984

AYES: Commissioners Toler, Hsieh, Nelder
ABSENT: Commissioners Daly, Sanchez

RESOLUTION NO. 578-84

H. OCHITILL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of H. Ochitill against the City and and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 1, 1984

AYES: Commissioners Toler, Hsieh, Nelder
ABSENT: Commissioners Daly, Sanchez

RESOLUTION NO. 579-84

LEO LAGURA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Leo Lagura against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 13, 1984

AYES: Commissioners Toler, Hsieh, Nelder
ABSENT: Commissioners Daly, Sanchez

RESOLUTION NO. 580-84

FRANK STEFKO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Frank Stefko against the City and County of San Francisco in the sum of $53.25 as the result of damages sustained be, and the same is hereby approved.

Date of Incident: March 23, 1984

AYES: Commissioners Toler, Hsieh, Nelder
ABSENT: Commissioners Daly, Sanchez

RESOLUTION NO. 581-84

SUZANNE DANIELS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Suzanne Daniels against the City and County of San Francisco in the sum of $53.25 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 10, 1984

AYES: Commissioners Toler, Hsieh, Nelder
ABSENT: Commissioners Daly, Sanchez

RESOLUTION NO. 582-84

TRISH YEE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Trish Yee against the City and County of San Francisco in the sum of $53.25 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 3, 1984

AYES: Commissioners Toler, Hsieh, Nelder
ABSENT: Commissioners Daly, Sanchez

RESOLUTION NO. 583-84

VALERIE HERST

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Valerie Herst against the City and County of San Francisco in the sum of $53.25 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 21, 1984

AYES: Commissioners Toler, Hsieh, Nelder
ABSENT: Commissioners Daly, Sanchez

RESOLUTION NO. 584-84

KAREN CARLSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Karen Carlson against the City and County of San Francisco in the sum of $53.25 as the result of damages sustained, be, and the smae is hereby approved.

Date of Incident: April 24, 1984

AYES: Commissioners Toler, Hsieh, Nelder
ABSENT: Commissioners Daly, Sanchez

RESOLUTION NO. 585-84

ALBERT BARLING

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Albert Barling against the City and County of San Francisco in the sum of $76.25 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 1, 1984

AYES: Commissioners Toler, Hsieh, Nelder
ABSENT: Commissioners Daly, Sanchez

RESOLUTION NO. 586-84

RON DALYNIUK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ron Dalyniuk against the City and County of San Francisco in the sum of $76.25 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 1, 1984

AYES: Commissioners Toler, Hsieh, Nelder
ABSENT: Commissioners Daly, Sanchez

RESOLUTION NO. 587-84

EMMET D. BYRNE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Emmet D. Byrne against the City and County of San Francisco in the sum of $53.25 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 17, 1984

AYES: Commissioners Toler, Hsieh, Nelder
ABSENT: Commissioners Daly, Sanchez

RESOLUTION NO. 588-85

MICHAEL RILEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael Riley against the City and County of San Francisco in the sum of $110.75 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 29, 1984

AYES: Commissioners Toler, Hsieh, Nelder
ABSENT: Commissioners Daly, Sanchez

RESOLUTION NO. 589-84

MARJORIE RUFF

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Marjorie Ruff against the City annd County of San Francisco in the sum of $53.25 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 6, 1984

AYES: Commissioners Toler, Hsieh, Nelder
ABSENT: Commissioners Daly, Sanchez

RESOLUTION NO. 590-84

WEN C. & SHU C. HUANG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Wen C. and Shu C. Huang against the City and County of San Francisco in the sum of $53.25 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 1, 1984

AYES: Commissioners Toler, Hsieh, Nelder
ABSENT: Commissioners Daly, Sanchez

RESOLUTION NO. 591-84

JACK W. MARTENS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jack W. Martens against the City and County of San Francisco in the sum of $83.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 10, 1984

AYES: Commissioners Toler, Hsieh, Nelder
ABSENT: Commissioners Daly, Sanchez

RESOLUTION NO. 592-84

AUTHORIZING ATTENDANCE OF SERGEANT THOMAS GREENE, TRAFFIC BUREAU/ENFORCEMENT & INVESTIGATIONS DIVISION, AT THE TERRORISM SEMINAR AT TREASURE ISLAND, CALIFORNIA FROM JUNE 12, 1984 TO JUNE 14, 1984

RESOLVED, that the recommendation of the Chief of Police that Sergeant Thomas Greene, Traffic Bureau/Enforcement & Investigations Division, be authorized to attend the Terrorism Seminar, conducted by California Specialized Training Institute (CSTI) at Treasure Island, California, from June 12th to June 14, 1984, be, and the same is hereby approved; and be it further

RESOLVED, that all expenses incurred by the above-named member of the Police Department in a sum of not to exceed $75.00 for tuition are reimbursable by P.O.S.T.

AYES: Commissioners Toler, Hsieh, Nelder
ABSENT: Commissioners Daly, Sanchez

RESOLUTION NO. 593-84

AUTHORIZING ATTENDANCE OF CAPTAIN VINCENT SENATORE, COMMUNICATIONS DIVISION, AT THE TERRORISM SEMINAR AT TREASURE ISLAND, CALIFORNIA, FROM 06/12/84 TO 06/14/84

RESOLVED, that the recommendation of the Chief of Police that Captain Vincent Senatore, Communications Division, be authorized to attend the Terrorism Seminar, conducted by California Specialized Training Institute (CSTI) at Treasure Island, California, from June 12, 1984 to June 14, 1984, be, and the same is hereby approved; and be it further

RESOLVED, that all expenses incurred by the above named member of the Police Department in a sum not to exceed $75.00 for tuition are reimbursable by P.O.S.T.

AYES: Commissioners Toler, Hsieh, Nelder
ABSENT: Commissioners Daly, Sanchez

RESOLUTION NO. 594-84

TRAVELING EXPENSE VOUCHER

RESOLVED, that the Traveling Expense Voucher submitted by the below named member of the Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved.

Officer Mark Potter) $380.00 (Defensive Tactics Instructors Up-Date Course (Santa Barbara, CA (05/09/84 - 05/11/84

AYES: Commissioners Toler, Hsieh, Nelder
ABSENT: Commissioners Daly, Sanchez

RESOLUTION NO. 595-84

RESOLVED, that the Traveling Expense Voucher submitted by the below named member of the Police Department for expenses incurred in attending the below indicated program be, and the same is hereby approved.

Officer Mark Potter) $342.00 (Urban Terrorist Activity Training Course (Sacramento California (04/30/84 - 05/04/84

AYES: Commissioners Toler, Hsieh, Nelder
ABSENT: Commissioners Daly, Sanchez

RESOLUTION NO. 596-84

AUTHORIZING ATTENDANCE OF CAPTAIN MICHAEL LENNON, RICHMOND STATION, AT THE EMERGENCY SERVICES SEMINAR IN SACRAMENTO, CALIFORNIA, FROM 06/11/84 TO 06/14/84

RESOLVED, that the recommendation of the Chief of Police that Captain Michael Lennon, Richmond Station, be authorized to attend the Emergency Services Seminar, conducted by the American Red Cross in Sacramento, California from June 11th to June 14, 1984, be, and the same is hereby approved; and be it further

RESOLVED, that all expenses incurred by the above named member of the Police Department in a sum not to exceed to $178.50 for subsistence and tuition will be be defrayed from the Department Training Fund.

AYES: Commissioners Toler, Hsieh, Nelder
ABSENT: Commissioners Daly, Sanchez

POLICE COMMISSION REPORT

Commissioner Hsieh presented a letter in regard to a complaint of rude behavior on the part of officers. Chief Murphy said he would look into the matter.

Commissioner Nelder brought up the subject of the Rathskeller Incident, and mention was made that the officers involved were scheduled for hearing on May 31, 1984. Chief Murphy stated that he was aware of said hearings.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Murphy stated that he had no formal report for the Commission. Chief Murphy further stated that the Management Control Division is thoroughly investigating the Rathskeller Incident, and that the matter will be investigated and appropriate disciplinary action will be taken. A full report will be submitted to The Commission.

SETTING OF DATE FOR HEARING OF POLICE OFFICER BERNICE ALSOBROOK, NORTHERN STATION

Commissioner Toler requested that the matter of Officer Bernice Alsobrook be taken off calendar. The other Commissioners agreed, and the matter will be handled by Chief Murphy in private hearing.

RESOLUTION NO. 564-84

HEARING OF OFFICER BERNICE ALSOBROOK, NORTHERN STATION

The hearing of Police Officer Bernice Alsobrook, Northern Station, was called it having been set for this date. Police Officer Bernice Alsobrook was charged with violating the Rules and Procedures as follows:

CHARGE NO. 1

Neglect of duty (violation of Rule A-5 of General Order D-1 of the San Francisco Police Department);

CHARGE NO. 2

Engaging in conduct which subverts the good order and dixcipline of the Department and brings discredit on the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

and

WHEREAS, Chief of Police Cornelius P. Murphy, states that this Item was inadvertantly placed on the calendar and he is requesting that the Charges be withdrawn and it will be handled administratively; there was a motion and second by the Police Commissioners; therefore be it

RESOLVED, that the charges filed against Police Officer Bernice Alsobrook, Northern Station, is continued off calendar by of the the Police Commission.

AYES: Commissioners Toler, Hsieh, Nelder
ABSENT: Commissioners Daly, Sanchez

SETTING OF DATE FOR HEARING OF OFFICER JOHN A. POELSTRA, POTRERO STATION

RESOLUTION NO. 560-84

WHEREAS, the date to be set for the disciplinary hearing of Officer John A. Poelstra, Potrero Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Jerry Akins, Attorney at Law representing the San Francisco Police Department, that the date for the hearing before the Police Commission be set for Thursday, June 7, 1984; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Officer John A. Poelstra, Potrero Station, is set for Thursday, June 7, 1984 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Toler, Hsieh, Nelder
ABSENT: Commissioners Daly, Sanchez

HEARING OF POLICE RECRUIT OFFICER FRANCIS I. KANG, SUPPORT SERVICES BUREAU/PROPERTY CONTROL DIVISION

Attotney John Prentice, asked if the Commission were going to meet on either July 12, 1984 or July 19, 1984. The Commission replied that they would meet on July 12, 1984. Attorney Prentice then requested that the hearing of Recruit Officer Francis I. Kang, be set for July 12, 1984, and the Commissioners agreed to that date.

RESOLUTION NO. 559-84

SETTING OF DATE FOR THE HEARING OF POLICE RECRUIT OFFICER FRANCIS I. KANG, SUPPORT SERVICES BUREAU/ PROPERTY CONTROL DIVISION

WHEREAS, the date to be set for the disciplinary hearing of Recruit Officer Francis I. Kang, Support Services Bureau/Property Control Division, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Michael Gash. Attorney at Law representing the San Francisco Police Department, that the date for the hearing before the Police Commission be set for Thursday, July 12, 1984; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Recruit Officer Francis I. Kang, Support Services Bureau/Property Control Division, is set for Thursday, July 12, 1984 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Toler, Hsieh, Nelder
ABSENT: Commissioners Daly, Sanchez

REQUEST FOR A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF $244,510 FOR THE FIRST PHASE OF THE POLICE FACILITIES REPLACEMENT PROJECT

Captain Brush appeared and requested approval of a Supplemental Appropriation in the amount of $244,510 to fund the renovation of Potrero and Northern Stations and to conduct studies as to the relocation of Northern Station.

RESOLUTION NO. 558-84

REQUEST FOR SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF $244,510 TO FUND VARIOUS CAPITAL IMPROVEMENTS

RESOLVED, that the Police Commission hereby approves a supplemental appropriation request amounting to $244.510 to fund various capital improvements.

AYES: Commissioners Toler, Hsieh, Nelder
ABSENT: Commissioners Daly, Sanchez

RESOLUTION NO. 567-84

POLICE OFFICER RORY MORAN, ACADEMY

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Rory Moran, Police Academy, as follows:

CHARGE NO. 1

Failure to maintain qualifications required by law and by the job announcement (violation of Rule 8.01 of the Rules and Procedures of the San Francisco Civil Service Commission);

CHARGE NO. 2

Engaging in conduct which tends to subvert the good order, efficiency and discipline of the department and which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Rory Moran, Police Academy, is set for May 31, 1984, 5:30 P.M.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

Hearing in Regard to The Application for Taxicab Permit of Edwin K. Greenfell. (cont. from Meeting of May 10, 1984)

Hearing in Regard to the Application for Taxicab Permit of Fred Arkeder. (cont. from Meeting of May 10, 1984)

Hearing in Regard to the Application for Taxicab Permit of Wendell C. Farr. (cont. from Meeting of May 10, 1984)

Officer Lamont Suslow, Permit Division, requested that the hearing in regard to the taxicab applications of Edwin K. Greenfell, Fred Akreder and Wendell C. Farr be continued to June 14, 1984, because the investigation of the forenamed applicants has not been completed. Officer Suslow's request was approved by the Commissioners.

Report by Deputy Chief Kevin Mullen in Regard to the Democratic Convention of July, 1984.

Deputy Chief Kevin Mullen then presented his plans for coping with the Democratic Convention security matter, his plans and methodology for security measures, protection of dignitaries, control of crowds, and other such matters.

HEARING OF OFFICER BRUCE O. POWELL, COMMUNITY RELATIONS

The hearing of Police Officer Bruce O. Powell was called. Officer Powell appeared in person and tendered his resignation, which was accepted by the Chief of Police and the Commission.

RESOLUTION NO. 563-84

POLICE OFFICER BROUCE O. POWELL, COMMUNITY RELATIONS DIVISION

WHEREAS, on Monday, March 26, 1984, Cornelius P. Murphy Chief of Police, made and served charges against Police Officer Bruce O. Powell as follows:

SPECIFICATION NO. 1

Failure to prevent crime while off-duty (violation of Rule A-2 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department)

and

WHEREAS, the Police Commission set Thursday, May 24, 1984 as the date for the hearing on charges filed against Police Officer Bruce O. Powell; and

WHEREAS, Chief of Police Cornelius P. Murphy announced that the Police Department was in receipt of the resignation of Police Officer Bruce O. Powell from the San Francisco Police Department; said resignation effective May 24, 1984, which resignation was accepted with the condition that the service of Police Officer Bruce O. Powell have been unsatisisfactory and that he does not resign in good standing; therefore be it

RESOLVED, that the charges of violation of the Rules and Procedures of the San Francisco Police Department filed against Police Officer Bruce O. Powell, be, and the same are hereby continued off calendar.

AYES: Commissioners Toler, Hsieh, Nelder
ABSENT: Commissioner Daly, Sanchez

THE MEETING WAS THEN ADJOURNDED AT 11:03 PM

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

31 MAY 1984 EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Thursday, May 31, 1984 at 1700 hours, in an Executive Session.

PRESENT: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

1. Attorney-Client Conference.

Commissioner Sanchez presiding.

31 MAY 1984 REGULAR SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, May 31, 1984 at 1730 hours in Regular Session.

PRESENT: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

Commissioner Sanchez presiding.

APPROVAL OF CONSENT CALENDAR

RECOMMENDATION OF THE CITY ATTORNEY FOR SETTLEMENT OF THE THE FOLLOWING CLAIMS AGAINST THE CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. 672-84

EVELYN TOLLIVER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Evelyn Tolliver against the City and County of San Francisco in the sum of $122.42 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: 1981

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 673-84

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $34.50 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 20, 1984

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 674-84

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 18, 1984

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 675-84

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $60.35 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 24, 1984

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 676-84

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing and Storage Co. against the City and County of San Francisco in the sum of $77.60 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 7, 1984

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 677-84

HOSSEIN REZAEE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Hossein Rezaee against the City and County of San Francisco in the sum of $1,250.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 22, 1984

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 678-84

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing and Stroage Co. against the City and County of San Francisco in the sum of $76.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 25, 1984

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 679-84

VALESHA GAY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Valesha Gay against the City and County of San Francisco in the sum of $50.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 12, 1984

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 680-84

CLARENCE L. FUNG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Clarence L. Fung against the City and County of San Francisco in the sum of $50.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 30, 1984

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 681-84

CHARLEY WILLIAMS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Charley Williams against the City and County of San Francisco in the sum of $23.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 10, 1984

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 682-84

JOHN S. REITER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John S. Reiter against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 16, 1984

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 683-84

GEORGE AHMAD ABDUR-RAHMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of George Ahmad Abdur-Rahman against the City and County of San Francisco in the sum of $50.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 18, 1984

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 684-84

DAVID HETT

RESOLVED, that the recommendation of the City Attorney for settlemment of the claim of David Hett against the City and Couunty of San Francisco in the sum of $53.25 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 24, 1984

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 685-84

ROGER LAPUYADE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Roger Lapuyade against the City and County of San Francisco in the sum of $53.25 as the result of damages sustained be, and the same is hereby approved.

Date of Incident: April 9, 1984

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 686-84

ANNA BACKUS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Anna Backus against the City and County of San Francisco in the sum of $53.25 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 26, 1984

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 687-84

BURTON MARLIAVE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Burton Marliave against the City and County of San Francisco in Small Claims Court Action No. 424-287 entitled "Burton Marliave vs. City and County of San Francisco," in the sum of $1,107.48 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 6, 1983

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 688-84

KATHLEEN BRANSFORD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kathleen Bransford against the City and County of San Francisco in the sum of $750.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 9, 1983

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 689-84

ALFREDO LOPEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Alfredo Lopez against the City and County of San Francisco in the sum of $1,074.10 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 31, 1983

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 690-84

LUXOR CAB COMPANY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Luxor Cab Company against the City and County of San Francisco in the sum of $7,285.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 30, 1982, December 31, 1982, April 30, 1983 and June 30, 1983

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 693-84

JACQUELINE SCHAR

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Jacqueline Schar in the sum of $8,500.00 in Superior Court Action No. 789-151 entitled "Jacqueline Schar vs. City and County of San Francisco," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 17, 1981

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

TRAVELING EXPENSE VOUCHERS - APPROVED

RESOLUTION NO. 691-84

RESOLVED, that the Traveling Expense Voucher submitted by the below named member of the Police Department for attendance at the indicated program, be, and the same is hereby approved.

Captain Charles Beene)	$571.00	(Emergency Management Course (Emmitsburg, MD (05/08 - 05/12/84

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

RESOLUTION NO. 692-84

RESOLVED, that the Traveling Expense Voucher submitted by the below named members of the Police Department for attendance at the indicated program, be, and the same is hereby approved.

Sergeant John Currie Officer Dirk Beijen Officer Joseph Currie	)))	$380.00	(Defensive Tactics Instructor (Santa Barbara, CA (05/09 - 05/11/84

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

POLICE COMMISSION REPORT

Commissioner Hsieh brought up the subject of Chinatown killings and asked the Chief what has been done in regard to these murders. The Chief replied that the Homicide Detail is investigating the killings working with the Gang Task Force and others in the State of California to solve the crimes. Ten thousand ($10,000.00) dollars reward has been posted for the arrest of the persons responsible. The Chief will present a progress report to The Commission in regard to the investigation of said homicides.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Murphy mentioned an article that stated that complaints against Police Officers have greatly increased in the past year. The Chief stated that the article was not accurate and did not do justice to the officers.

SETTING OF DATE FOR HEARING OF POLICE RECRUIT OFFICER RORY N. MORAN, POLICE ACADEMY

Attorney Jerry Akins, Prosecuting Attorney for the San Francisco Police Department, requested that the hearing of Officer Rory Moran be set for June 14, 1984. The Commission agreed to set the hearing for that date.

RESOLUTION NO. 597-84

WHEREAS, the date to be set for the disciplinary hearing of Police Recruit Officer Rory N. Moran, Police Academy, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Jerry Akins, Attorney at Law, that the date for the hearing before the Police Commission be set for June 14, 1984; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Rory N. Moran, Police Academy, is set for Thursday, June 14, 1984, at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

PUBLIC DISCUSSION REGARDING THE OPERATION OF THE OFFICE OF CITIZENS COMPLAINTS

Mr. Eugene M. Swann, Director of the Office of Citizens Complaints, made a report to The Police Commission as to the current progress of the Office of Citizens Complaints. He presented two packets of information including statistics as to complaints investigated, especially those of Unnecessary Force. Twenty to Twenty-five hearings a week are being conducted.

Mr. Swann then requested that the Office of Citizens Complaints be given a supplemental appropriation of $3,000.00 for the purchase of video/photographic equipment to be used in conducting investigations. The item was placed on the calendar for June 7, 1984.

Mr. Swann also displayed the new helmet numbers, which are larger and more easily read than the old numbers, being placed on both sides of the helmet and in white letters.

Sergeant Croce Casciato, President of the Police Officers' Association, stated that the Police Officers' Association has not had the opportunity to meet and confer in regard to the helmet numbering system, nor has it had the opportunity to provide input in regard to the rules for hearing of officers. Sergeant Casciato stated that he was willing to meet and confer, on this matter.

HEARING OF POLICE RECRUIT OFFICER ANTHONY MARCAL, NORTHERN STATION

RESOLUTION NO. 598-84

WHEREAS, the hearing of Police Recruit Officer Anthony Marcal, Northern Station, was called it having been set for this date; and

WHEREAS, it has been requested by Mr. Michael E. Gash, Attorney for the San Francisco Police Department, that the matter be continued to Thursday, June 7, 1984; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Recruit Officer Anthony Marcal, Northern Station, is continued to Thursday, June 7, 1984, at 4:00 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

HEARING OF OFFICER MARK G. LAGAREJOS, NORTHERN STATION

RESOLUTION NO. 599-84

WHEREAS, the hearing of Police Recruit Officer Mark G. Lagarejos, Northern Station, was called it having been set for this date; and

WHEREAS, it has been requested by Mr. Michael E. Gash, Attorney for the San Francisco Police Department, that the matter be continued to Thursday, June 7, 1984; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Recruit Officer Mark Lagarejos, Northern Station, is continued to Thursday, June 7, 1984 at 4:00 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

HEARING OF OFFICER PETER BALESTRERI, NORTHERN STATION

The hearing of Officer Peter Balestreri, Northern Station, was called it having been set for this date. Officer Balestreri was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to answer questions asked by a superior truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

by George Eimil, Acting Chief of Police of the San Francisco Police Department.

Police Officer Peter Balestreri appeared in person and was represented by Mr. John Prentice, Attorney at Law.

Mr. Michael E. Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

An opening statement was made by Attorney Gash for the Prosecution.

An opening statement was reserved by Attorney Prentice until the conclusion of the Department's Case.

The following named witnesses were called by the Prosecution were sworn, and testified:

Ms. Barbara Tribett	
Officer Dennis Meixner	Central Station
Officer Louette Colombano	Central Station
Lieutenant Bill Taylor	Management Control Div.

The following exhibits were entered into evidence by the Prosecution:

Exhibit #1	Incident Report 840 297 988
Exhibit #2	Incident Report 840 332 813
Exhibit #3	Incident Report 840 376 413
Exhibit #4	Incident Report 840 384 745
Exhibit #5	Incident Report 840 402 319
Exhibit #6	Incident Report 840 437 548
Exhibit #7	Incident Report 840 447 810
Exhibit #8	Incident Report 840 876 636

The following exhibit was entered into evidence by the Defense:

Exhibit A	Diagram of Rathskellar Bar

After listening to testimony from the above parties, The Commission then adjourned at 1:05 a.m., and the matter was continued to Wednesday, June 6, 1984 at 7:00 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

HEARING OF POLICE OFFICER JOSEPH M. HESSION, PARK STATION

The hearing of Police Officer Joseph M. Hession, Park Station, was called it having been set for this date. Officer Hession was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to answer questions asked by a superior truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

by George Eimil, Acting Chief of Police of the San Francisco Police Department.

Police Officer John M. Hession appeared in person and was represented by Mr. John Prentice, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

An opening statement was made by Attorney Gash for the Prosecution.

An opening statement was reserved by Attorney Prentice until the conclusion of the Department's Case.

The following named witnesses were called by the Prosecution, were sworn and testified:

Ms. Barbara Tribett	
Officer Dennis Meixner	Central Station
Officer Louette Colombano	Central Station
Lieutenant Bill Taylor	Management Control Div.

The following exhibits were entered into evidence by the Prosecution:

Exhibit #1	Incident Report 840 297 988
Exhibit #2	Incident Report 840 332 813
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Exhibit #5	Incident Report 840 402 319
Exhibit #6	Incident Report 840 437 548
Exhibit #7	Incident Report 840 447 810
Exhibit #8	Incident Report 840 876 636

The following exhibit was entered into evidence by the Defense:

Exhibit A	Diagram of Rathskellar Bar

After listening to testimony from the above parties, the Commission then adjourned at 1:05 a.m., and the matter was continued to Wednesday, June 6, 1984, at 7:00 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

HEARING OF SERGEANT MICHAEL McNEILL, NORTHERN STATION

RESOLUTION NO. 602-84

WHEREAS, the hearing of Sergeant Michael McNeill, Northern Station, was called it having been set for this date; and

WHEREAS, it has been requested by Mr. Ralph Saltsman, Attorney for Sergeant McNeill, that the matter be continued to Thursday, June 7, 1984; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Sergeant Michael McNeill, Northern Station, is continued to Thursday, June 7, 1984, at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

(THE ENTIRE PROCEEDINGS WERE TAKEN IN SHORTHAND FORM BY MS. LINDA PRANSKY, CSR.)

THE MEETING WAS THEN ADJOURNED AT 1:05 A.M.

Willie E. Frazier

Lieutenant Willie E. Frazier/Secretary
THE POLICE COMMISSION

942/sj

6 JUNE 1984 W/0869M

SPECIAL MEETING - CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, June 6, 1984 at 1900 hours in a Special Meeting.

PRESENT: Commissioners Toler, Hsieh, Nelder
ABSENT: Commissioners Daly, Sanchez

Commissioner Nelder presiding.

HEARING OF OFFICER PETER A. BALESTRERI, NORTHERN STATION (CONTINUED FROM MEETING OF MAY 31, 1984)

The matter of the hearing of Police Officer Peter A. Balestreri, Nortnern Station, was called it having continued from the meeting of May 31, 1984.

Police Officer Peter A. Balestreri, appeared in person and was represented by Mr. John Prentice, Attorney at Law.

Mr. Michael E. Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

A request was made by Mr. John Prentice, Attorney for Officer Balestreri, to seal the records of his clients testimony. The Commission took the matter under submission and thereafter passed a resolution to seal the record.

An opening statement was then made by Mr. John Prentice, for the Defense.

The following named witnesses were called by the Defense, were sworn and testified:

Officer Michael Dudoroff	Potrero Station
Officer Michael Meadors	Potrero Station
Officer Valerie Agard	Potrero Station
Officer Tom Lobrin	Ingleside Station
Officer Daniel Falzon	Park Station
Captain Dairmuid Philpott	Vice Crimes Div.
Captain Lloyd Crosbie	Park Station
Officer Peter Balestreri	Northern Station
Officer Joseph Hession	Park Station

The following exhibits were entered into evidence by the Defense:

Exhibit B	Diagram of floor area of Rathskeller Bar and Restaurant
Exhibit C	Vice Crimes Division, Prostitution/Gambling Daily Activities Report of Officers Balestreri and Hession, dated 04/26/84

Attorneys for the Police Department and for the Defense submitted their cases and thereafter, Mr. Michael Gash presented a closing statement and Mr. John Prentice also submitted his closing statement.

It is the recommendation of Chief of Police Cornelius P. Murphy, that Police Officer Peter A. Balestreri, Northern Station be terminated.

The Commission took the matter under submission after which the following resolution was adopted:

RESOLUTION NO. 600-84

DECISION - HEARING OF OFFICER PETER A. BALESTRERI, NORTHERN STATION

WHEREAS, on May 9, 1984, George Eimil, Acting Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Peter A. Balestreri, Northern Station, as follows:

SPECIFICATION NO. 1

Engaging in conduct which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

(a) At all times herein mentioned, Peter A. Balestreri, Star 609, was and is a police officer employed by the San Francisco Police Department. Officer Balestreri was assigned to Co. - Northern Station, however, he was detailed to the Vice Crimes Division and was suspended on May 2, 1984;

(b) As a police officer, Officer Balestreri (hereinafter the accused) was and is responsible for knowing and obeying the Rules, Orders and Procedures of the San Francisco Police Department;

(c) On or about April 26, 1984, at approximately 1800 hours, a party commenced at the Rathskeller Restaurant and Bar (Rathskeller), located at 600 Turk Street in San Francisco, for the purpose of celebrating the completion of the Field Training Program by members of the 156th Recruit Class. In attendance at this party during the evening were members of the 156th Recruit Class, Field Training Officers and Sergeants, spouses, friends and the general public;

(d) On April 26, 1984, the accused was detailed to the Vice Crimes Division, assigned to Northern District. The accused's tour of duty was from 1900 hours until 0300 hours and his partner was Officer Joseph M. Hession, Star 272;

(e) On or about April 26, 1984, from approximately 2000 hours until about 2015 hours, the accused and Officer Hession, while on duty, attended the party at the Rathskeller;

(f) On or about April 26, 1984, at approximately 2100 hours, while on duty, the accused and Officer Hession, approached a female at Sutter and Leavenworth Streets in San Francisco, who they had previously arrested or cited on numerous occasions for allegedly engaging in prostitution. The accused and Officer Hession asked the female if she would accompany them to a party and perform an act of oral copulation on a male at the party;

(g) The accused and Officer Hession, while on duty, transported the female to the Rathskeller in a Department Vehicle. The accused, Officer Hession and the female arrived at the Rathskeller at or about 2115 hours.

(h) Sometime after the accused, Officer Hession and the female arrived at the Rathskeller, a male recruit officer was escorted to the stage by several individuals and handcuffed to a chair. The accused and Officer Hession then told their female companion to orally copulate the individual handcuffed to the chair;

(i) The female companion of the accused and Officer Hession approached the handcuffed recurit, unzipped his pants, and with the assistance of several individuals on the stage, pulled down the pants of the handcuffed recruit and the female proceeded to orally copulate the recruit in front of the persons in attendance at the party;

(j) The accused although on duty at the time of this incident and in a position to see the female orally copulate a handcuffed recruit, took no police action, nor did he report the matter to his commanding officer;

(k) By asking a female to perform an act of oral copulation in a public restaurant, transporting the female to the restaurant for the purpose of engaging in an act of oral copulation, and allowing the female to perform and act of oral copulation in a public restaurant, the accused, while on duty, has engaged in conduct which reflects discredit upon the Department which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency to discipline of the Department or which reflects discredit upon the Department or any member thereof or that is prejudicial to the efficiency and discipline of the Department, though such offenses are not laid down in these Rules and Procedures, shall be considered unofficer-like conduct, triable and punishable by the Board."

SPECIFICATION NO. 2

Failure to answer questions asked by a superior truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department);

(a) The allegations contained in paragraphs (a) through (k) of Specification No. 1 are hereby incorporated by references as if fully set forth herein;

(b) On or about May 1, 1984, the accused was interviewed by the Management Control Division of the San Francisco Police Department regarding an incident which occurred on or about April 26, 1984 at the Rathskeller Restaurant;

(c) The accused was advised of his rights and admonished pursuant to Rule A-21 of General Order D-1 of the San Francisco Police Department that he was required to answer all questions truthfully and without evasion;

(d) When questioned regarding this incident, the accused failed to disclose to the interviewer that he could identify the female who orally copulated a handcuffed recruit; failed to disclose that on numerous occasions he had arrested or cited the female for allegedly engaging in prostitution; failed to disclose that he had asked the female to accompany the accused and Officer Hession to the Rathskeller Restaurant; failed to disclose that he and Officer Hession has asked the female to perform an act of oral copulation; failed to disclose, when questioned, that while on duty the accused and Officer Hession had transported the female in a Department Vehicle to the Rathskeller Restaurant for the purpose of engaging in an act of oral copulation;

(e) By failing to answer questions asked by a superior officer truthfully and without evasion, the accused has engaged in conduct which constitutes a violation of Rule A-21 of General Order D-1 of the San Francisco Police Department which states:

"Members shall, when questioned on matters relating to their employment with the police department by a superior officer or by one designated by a superior officer for this purpose, answer all questions truthfully and without evasion. Prior to being asked to respond to the questions the member shall be advised of and afforded all his/her civil and employee rights as provided at that time by the law or contractual agreement."

and

WHEREAS, a hearing on said charges was had before The Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, May 31, 1984; Friday, June 1, 1984; and Wednesday, June 6, 1984, and on Thursday, June 7, 1984, the matter was submitted before The Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specifications No. 1 and No. 2, as preferred by the Chief of Police against Police Officer Peter A. Balestreri, are sustained by a preponderance of the evidence presented. The Commission therefore adopts the language of said charges as its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with The Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department; The Commission orders that the following discipline be imposed:

Specifications No. 1 and No. 2 - TERMINATION

and be it further;

RESOLVED, that said termination, effective immediately, be, and the same is hereby affirmed and approved.

Recesses taken during the Hearing of Officer Balestreri:

9:15	p.m.	to	9:20 p.m.
11:40	p.m.	to	11:50 p.m.
1:15	a.m.	to	1:20 a.m.
2:08	a.m.	to	2:24 a.m.
2:40	a.m.	to	2:50 a.m.

(THE ENTIRE PROCEEDINGS WERE TAKEN IN SHORTHAND FORM BY MS. LINDA PRANSKY, CSR.)

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

HEARING OF OFFICER JOSEPH M. HESSION, PARK STATION (CONTINUED FROM MEETING OF THURSDAY, MAY 31, 1984)

The matter of the hearing of Police Officer Joseph M. Hession, Park Station, was called it having been continued from the meeting of May 31, 1984.

Police Officer Joseph M. Hession, appeared in person and was represented by Mr. John Prentice, Attorney at Law.

Mr. Michael E. Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

A request was made by Mr. John Prentice, Attorney for Officer Hession, to seal the records of his clients testimony. The Commission took the matter under submission and thereafter passed a resolution to seal the record.

An opening statement was then made by Mr. John Prentice, for the Defense.

The following named witnesses were called by the Defense, were sworn and testified:

Officer Michael Dudoroff	Potrero Station
Officer Michael Meadors	Potrero Station
Officer Valerie Agard	Potrero Station
Officer Tom Lobrin	Ingleside Station
Officer Daniel Falzon	Park Station
Captain Dairmuid Philpott	Vice Crimes Division
Captain Lloyd Crobsbie	Park Station
Officer Peter Balestreri	Northern Station
Officer Joseph Hession	Park Station

The following exhibits were entered into evidence by the Defense:

Exhibit B	Diagram of floor area of Rathskeller Bar
Exhibit C	Vice Crimes Division, Prostitution/ Gambling Daily Activities Report of Officers Balestreri and Hession, dated 04/26/84

Attorneys for the Prosecution and the Defense submitted their cases and thereafter, Mr. Michael Gash presented a closing statement and Mr. John Prentice also submitted his closing statement.

It is the recommendation of the Chief of Police, Cornelius P. Murphy, that Police Officer Joseph M. Hession, Park Station, be terminated.

The Commission took the matter under submission after which the following resolution was adopted:

RESOLUTION NO. 601-84

DECISION - HEARING OF OFFICER JOSEPH M. HESSION, PARK STATION (CONTINUED FROM MEETING OF MAY 31, 1984)

WHEREAS, on May 9, 1984, George Eimil, Acting Chief of Police of the San Francisco Police Department, made and served charges against Officer Joseph M. Hession, Park Station, as follows:

SPECIFICATION NO. 1

Engaging in conduct which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

(a) At all times herein mentioned, Joseph M. Hession, Star 272, was and is a police officer employed by the San Francisco Police Department. Officer Hession, was assigned to Co. F - Park Station, however, he was detailed to the Vice Crimes Division and was suspended on May 2, 1984;

(b) As a police officer, Officer Hession, (hereinafter, the accused) was and is responsible for knowing and obeying the Rules, Orders, and Procedures of the San Francisco Police Department;

(c) On or about April 26, 1984, at approximately 1800 hours, a party commenced at the Rathskeller Restaurant and Bar (Rathskeller), located at 600 Turk Street in San Francisco, for the purpose of celebrating the completion of the Field Training Program by members of the 156th Recruit Class. In attendance at this party during the evening were members of the 156th Recruit Class, Field Training Officers and Sergeants, spouses, friends and the general public;

(d) On April 26, 1984, the accused was detailed to the Vice Crimes Division, assigned to Northern District. The accused's tour of duty was from 1900 hours until 0300 hours and his partner was Officer Peter A. Balestreri, Star 609;

(e) On or about April 26, 1984, from approximately 2000 hours until about 2015 hours, the accused and Officer Balestreri, while on duty, attended the party at the Rathskeller;

(f) On or about April 26, 1984, at approximately 2100 hours, while on duty, the accused and Officer Balestreri approached a female at Sutter and Leavenworth Streets in San Francisco, who they had previously arrested or cited on numerous occasions for allegedly engaging in prostitution. The accused and Officer Balestreri asked the female if she would accompany them to a party and perform an act of oral copulation on a male at the party;

(g) The accused and Officer Balestreri, while on duty, transported the female to the Rathskeller in a Department Vehicle. The accused, Officer Balestreri and the female arrived at the Rathskeller at or about 2115 hours;

(h) Sometime after the accused, Officer Balestreri and the female arrived at the Rathskeller, a male recruit officer was escorted to the stage by several individuals and handcuffed to a chair. The accused and Officer Balestreri then told their female companion to orally copulate the individual handcuffed to the chair;

(i) The famale companion of the accused and Officer Balestreri approached the handcuffed recruit, unzipped his pants, and with the assistance of several individuals on the state, pulled down the pants of the handcuffed recruit and the female proceeded to orally copulate the recruit in front of the persons in attendance at the party;

(j) An officer in attendance at the party attempted to stop the female from orally copulating the handcuffed recruit, however, the accused grabbed this officer and attempted to prevent him from stopping the female;

(k) The accused although on duty at the time of this incident and in a position to see the female orally copulate a handcuffed recruit, took no police action, nor did he report this matter to his commanding officer;

(l) By asking a female to perform an act of oral copulation in a public restaurant transporting the female to the restaurant for the purpose of engaging in an act of oral copulation, allowing the female to perform an act of oral copulation in a public restaurant and preventing an officer from stopping this act, the accused, while on duty, has engaged in conduct which reflects discredit upon the Department which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the State which tends to subvert the good order, efficiency or discipline of the Department or which relfects discredit upon the Department or any member thereof or that is prejudicial to the efficiency and discipline of the Department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct, triable and punishable by the Board."

SPECIFICATION NO. 2

Failure to answer questions asked by a superior truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department);

(a) The allegations contained in paragraphs (a) through (k) of Specification No. 1 are hereby incorporated by reference as if fully set forth herein;

(b) On or about May 1, 1984, the accused was interviewed by the Management Control Division of the San Francisco Police Department regarding an incident which occurred on or about April 26, 1984 at the Rathskeller Restaurant;

(c) The accused was advised of his rights and admonished pursuant to Rule A-21 of General Order D-1 of the San Francisco Police Department that he was required to answer all questions truthfully and without evasion;

(d) When questioned regarding this incident, the accused failed to disclose to the interviewer that he could identify the female who orally copulated a handcuffed recruit; failed to disclose that on numerous occasions he had arrested or cited the female for allegedly engaging in prostitution; failed to disclose that he had asked the female to accompany the accused and Officer Balestreri to the Rathskeller Restaurant, failed to disclose that he and Officer Balestreri had asked the female to perform an act of oral copulation at the party at the Rathskeller Restaurant, failed to disclose, when questioned, that while on duty the accused and Officer Balestreri had transported the female in a Department Vehicle to the Rathskeller Restaurant for the purpose of engaging in an act of oral copulation;

(e) By failing to answer questions asked by a superior officer truthfully and without evasion, the accused has engaged in conduct which constitutes a violation of Rule A-21 of General Order D-1 of the San Francisco Police Department, which states:

"Members shall, when questioned on matters relating to their employment with the police department by a superior officer or by one designated by a superior officer for this purpose, answer all questions truthfully and without evasion. Prior to being asked to respond to the questions the member shall be advised of and afforded all his/her civil and employee rights as provided at that time by the law or contractual agreement."

and

WHEREAS, a hearing on said Charges was had before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, May 31, 1984; Friday, June 1, 1984 and Wednesday, June 6, 1984, and on Thursday, June 7, 1984, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specifications No. 1 and No. 2, as preferred by the Chief of Police against Police Officer Joseph M. Hession, are sustained by preponderance of the evidence presented. The Commission therefore adopts the language of said charges as its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with The Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department; The Commission orders that the following discipline be imposed:

Specifications No. 1 and No. 2 - TERMINATION

and be it further;

RESOLVED, that said termination, effective immediately, be, and the same is hereby affirmed and approved.

Recesses taken during the Hearing of Officer Hession:

9:15	p.m.	to	9:20 p.m.
11:40	p.m.	to	11:50 p.m.
1:15	a.m.	to	1:20 a.m.
2:08	a.m.	to	2:24 a.m.
2:40	a.m.	to	2:50 a.m.

(THE ENTIRE PROCEEDINGS WERE TAKEN IN SHORTHAND FORM BY MS. LINDA PRANSKY, CSR.)

AYES: Commissioners Toler, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Daly

THE MEETING WAS THEN ADJOURNED AT 2:55 A.M.

Willie E. Frazier

LIEUTENANT WILLIE E. FRAZIER
Secretary
THE POLICE COMMISSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Thursday, June 7, 1984 at 4:00 p.m. in Regular Session.

PRESENT: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Sanchez, Toler
Toler (Present for Items #8 & #9)

Commissioner Nelder presiding.

APPROVAL OF CONSENT CALENDAR

RECOMMENDATION OF THE CITY ATTORNEY FOR SETTLEMENT OF THE FOLLOWING CLAIMS AGAINST THE CITY AND COUNTY OF S.F.

RESOLUTION NO. 607-84

ANTHONY STARKES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Anthony Starkes against the City and County of San Francisco in the sum of $140.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 29, 1984

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 608-84

ELATIH AHMED ALI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Elatih Ahmed Ali against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 25, 1984

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 609-84

FRANK JOE BUSTILLOS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Frank Joe Bustillos against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 2, 1984

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 610-84

JAMES E. DAVIS

RESOLVED, that the recommendation of the City attorney for settlement of the claim of James E. Davis against the City and County of San Francisco in the sumof $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 28, 1984

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 611-84

BRAD R. WOOLSEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Brad R. Woolsey against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 2, 1984

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 612-84

NORTHWEST TRANSPORT SERVICE, INC.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Northwest Transport Service, Inc., against the City and County of San Francisco in the sum of $200.56 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 30, 1984

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 613-84

BABE WINKS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Babe Winks against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 4, 1984

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO: 614-84

RAMNIK C. PATEL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ramnik C. Patel against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 3, 1984

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 615-84

RAEFORD STANBACK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Raeford against the City and County of San Francisco in the sum of $51.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 11, 1984

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 616-84

CATHERINE E. FOX

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Catherine E. Fox against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 14, 1984

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 617-84

MAJORIA L. DICKEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Majoria L. Dickey against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 15, 1984

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

TRAVELING EXPENSE VOUCHERS

RESOLUTION NO. 618-84

RESOLVED, that the Traveling Expense Voucher submitted by the following-named member of the Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved.

Wendy Chong $296.00 (68th Annual International Fingerprint Technician Association of Identification and Training Seminar (Sacramento, California (05/09/84 - 05/11/84

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 619-84

RESOLVED, that the Traveling Expense Vouchers submitted by the foloowing named members of the Police Department for expenses incurred in attenting the below-indicated program, be, and the same is hereby approved:

Officer Michael Travis	$836.00	(Exlosive Ordinance
Officer Edward Dullea		Disposal Refresher
		Training Course
		(Huntsville, Alabama
		(05/13/84 - 05/18/84

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO 620-84

RESOLVED, that the Traveling Expense Voucher submitted by the following-named members of the Police department for expenses incurred in attending the below indicated program, be, and the same is hereby approved.

Deputy Chief Kevin Mullen)	$302.00	(California
		Peace Officers
Deputy Chief Richard Trueb)	$455.00	Assn. 64th
		Training Con.
Sergeant Alan Benner)	$455.00	
Sergeant Edmund Pecinovsky)	$455.00	(Anaheim, CA
Attorney Rea Puccinelli)	$455.00	(5/21/84 - 5/23/84

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

POLICE COMMISSION REPORT

No Report.

CHIEF'S REPORT TO THE POLICE COMMISSION

No Report.

REQUEST FOR A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF $3,000 FOR THE PURCHASE OF VIDEO AND PHOTOGRAPHIC EQUIPMENT BY THE OFFICE OF CITIZENS COMPLAINTS

The request of The Office of Citizens Complaints for $3,000.00 worth of phorographic and video equipment for use in investigations was approved.

SETTING OF DATE FOR HEARING OF POLICE OFFICER EDWARD L. WALDORPH, MUNI TRANSIT DIVISION

RESOLUTION NO. 604-84

WHEREAS, the date to be set for the disciplinary hearing of Police Officer Edward L. Waldorph, MUNI Transit Division, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney for the San Francisco Police Department, that the date for the hearing before The Police Commission be set for Thursday, June 28, 1984; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Edward L. Waldorph, MUNI Transit Division, is set for Thursday, June 28, 1984, at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

HEARING OF THE COMPLAINT FILED BY THE PERMIT BUREAU AGAINST MR. JUGO R. SOTO, ASKING FOR THE REVOCATION OF HIS JITNEY BUS OWNER

Continued one (1) week.

HEARING OF POLICE RECRUIT OFFICER ANTHONY MARCAL, NORTHERN STATION

The Hearing of Police Recruit Officer Anthony J. Marcal, Northern Station, was called it having been set for ths date. Police Officer Marcal was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to answer questions asked by a superior truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by George Eimil, Acting Chief of Police of the San Francisco Police Department.

Police Recruit Officer Anthony J. Marcal appeared in person and was represented by Mr. Casimir Wilson, Attorney at Law.

Mr. Michael E. Gash, Attorney at Law, appeared as Prosecutor for the San Francisco Police Department.

An opening statement was made by Attorney Michael E. Gash for the Prosecution.

An opening statement was made by Attorney Casimir Wilson for the Defense.

A request was made by Mr. Michael Gash, Attorney for the Department, that all cameras be excluded from the Hearing Room. The Commission then made a motion which was subsequently approved to deny t.v. cameras and others from photographing Officer Kaplan.

The following named witnesses appeared for the Prosecution, were duly sworn and testified.

Officer Michael Kaplan	Potrero Station
Lieutenant Frank Greer	Management Control

The following named witness appeared for the Defense, was duly sworn and testified:

Officer Steven Wonder	Richmond Station

After listening to testimony from the above parties, The Commission then adjourned at 10:00 p.m. and the matter was continued to Wednesday, June 13, 1984 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

HEARING OF POLICE RECRUIT OFFICER MARK LAGAREJOS, NORTHERN STATION

The Hearing of Police Recruit Officer Mark Lagarejos, Northern Station, was called it having been set for this date. Police Officer Lagarejos was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department.;

SPECIFICIATION NO. 2

Failure to answer questions asked by a superior truthfully and without evasion (violation of Rule A-21 of the San Francisco Police Department).

in a properly verified complaint by George Eimil, Acting Chief of Police of the San Francisco Police Department.

Police Recruit Officer Mark Lagarejos appeared in person and was represented by Mr. Casimir Wilson, Attorney at Law.

Mr. Michael E. Gash, Attorney at Law, appeared as the Prosecutor for the San Francisco Police Department.

An opening statement was made by Mr. Michael E. Gash, for the Prosecution.

An opening statement was made by Mr. Casimir Wilson for the Defense.

A request was made by Mr. Michael Gash, Attorney for the Department, that all cameras be excluded from the Hearing Room. The Commission then made a motion which was subsequently approved to deny t.v. cameras and others from photographing Officer Caplan.

The following named witnesses appeared for the Prosecution, were duly sworn and testified:

Officer Michael Caplan	Potrero Station
Lieutenant Frank Greer	Management Control

The following named witness appeared for the Defense, was duly sworn and testified:

Officer Steven Wonder	Richmond Station

After listening to testimony from the above parties, The Commission then adjourned at 10:00 p.m. and the matter was continued to Wednesday, June 13, 1984 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

HEARING OF SERGEANT MICHAEL W. McNEILL, NORTHERN STATION

The Hearing of Police Sergeant Michael McNeill, Northern Station was called it having been set for this date. Sergeant Michael McNeill, was charged with violating the Rules and Procedures as follows:

CHARGE NO. 1

Failure to make written report of urgent police matters (violation of Rule A-26A of General Order D-1 of the San Francisco Police Department);

CHARGE NO. 2

Engaging in conduct which subverts the good order, discipline of, and reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

CHARGE NO. 3

Failure to answer questions truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

in a properly and verified complaint by George Eimil, Acting Chief of Police of the San Francisco Police Department.

Sergeant Michael McNeill appeared in person and was represented by Mr. Ralph Saltsman, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared as Prosecutor for the San Francisco Police Department.

An opening statement was made by Mr. Jerry Akins, Attorney at Law representing the San Francisco Police Department.

An opening statement was made by Mr. Ralph Saltsman, Attorney for Sergeant Michael McNeill.

The Charges against Police Sergeant Michael McNeill were then read into the record.

The following named witnesses appeared for the Prosecution, were sworn and testified:

Lieutenant William Taylor	Management Cont.
Officer Michael Collins	Northern Station
Sergeant Layne Amiot	Northern Station
Sergeant Michael McNeill	Northern Station
Deputy Chief Richard Trueb	Administration

The following named witnesses appeared for the Defense, were sworn and testified:

Officer Kenneth Osgood	Northern Station
Mr. Anthony Silva (Owner)	Rathskeller Restaurant
Lieutenant Raymond Portue	Northern Station
Officer Antonio Parra	Northern Station
Officer Darrell Day	Northern Station

The following exhibits were entered into evidence by the Prosecution:

Exhibit #1	Letter from Attorney John Prentice to Attorney Jerry Akins, dated 06/25/84
Exhibit #2	Offsetting Overtime Card of Sergeant Michael W. McNeill, dated 04/26/84
Exhibit #3	Copies of Offsetting Overtime Cards of Officer Antonio T. Parra, and Sergeant Michael McNeill, dated 04/26/84

The following Exhibit was entered into evidence by the Defense:

Exhibit A — Letters of Commendations/Certificates given to Sergeant Michael McNeill

Closing statements were made by both Prosecuting and Defense Attorneys.

The Commission took the matter under submission, recessed and returned, finding that Charge No. 1 is not sustained. Charges No. 2 and No. 3, as clarified and amended, are sustained.

Based on those findings, The Commission requested a recommendation from Chief of Police Cornelius P. Murphy. It is the recommendation of the Chief of Police that Sergeant Michael McNeill be suspended for 45 days for each Charge but given credit for time served which is approximately 58 days with the remaining 42 days to be imposed.

The Commission again took the matter under submission and the following resolution was adopted:

DECISION - HEARING OF POLICE SERGEANT MICHAEL W. McNEILL, NORTHERN STATION

RESOLUTION NO. 695-84

WHEREAS, on May 9, 1984, George Eimil, Acting Chief of Police, made and served charges against Police Sergeant Michael McNeill, Northern Station.

CHARGE NO. 1

Failure to make written report of urgent police matter (violation of Rule A-26A of General Order D-1 of the San Francisco Police Department);

(a) At all times herein mentioned, Michael W. McNeill, Star 1975, (hereinafter referred to as "the accused"), was and is a Sergeant of Police employed by the San Francisco Police Department and assigned to Company E - Northern Station;

(b) As a Sergeant employed by the San Francisco Police Department, the accused was and is responsible for knowing and obeying the Rules, Orders and Procedures of the San Francisco Police Department;

(c) On April 26, 1984, the accused was scheduled for duty on the Third Watch at Northern Station, 1500-2300 hours;

(d) At or about 1800 hours, the accused left Northern Station and went to the premises of the Rathskeller Bar and Restaurant (hereinafter referred to as the "Rathskeller") located at 600 Turk Street, in the City and County of San Francisco, State of California. The accused remained at the Rathskeller at least through the end of the Third Watch, i.e., through 2300 hours;

(e) While at the Rathskeller from approximately 1800 hours through 2100 hours, the accused was behind the bar serving drinks to persons attending a party organized and sponsored by the 156th Recruit Class;

(f) At approximately 2115 hours, one of the male members of the 156th Recruit Class was led to a stage in full view of the persons in the Rathskeller, handcuffed to a chair, and was orally copulated by a female alleged to be a prostitute;

(g) The accused, though denying that he witnessed the act of oral copulation described above, was informed and knew of the incident at or near the time it occurred and later discussed the incident with the two officers believed to be responsible for bringing the female to the Rathskeller to perform the act of oral copulation;

(h) The accused did not make any written report of the performance of an act of oral copulation on an apparently unwilling victim in a place open to the public;

(i) The accused, by failing to make a written report of the incident to his commanding officer, has engaged in conduct which constitutes a violation of Rule A-26A of General Order D-1 of the San Francisco Police Department which states:

"Members shall when off-duty, make a written report to their commanding officer of any serious crime or urgent police matter which is brought to their attention or in which the member becomes involved as a peace officer."

CHARGE NO. 2

Engaging in conduct which subverts the good order, discipline and efficiency of, and reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

(a) At all times herein mentioned, Michael W. McNeill, Star 1975, (hereinafter referred to as "the accused"), was and is a Sergeant of Police employed by the San Francisco Police Department and assigned to Company E - Northern Station;

(b) As a Sergeant employed by the San Francisco Police Department, the accused was and is responsible for knowing and obeying the Rules, Orders, and Procedures of the San Francisco Police Department;

(c) On April 26, 1984, the accused was scheduled for duty on the Third Watch at Northern Station, 1500-2300 hours;

(d) At or about 1800 hours, the accused left Northern Station and went to the premises of the Rathskeller Bar and Restaurant (hereinafter referred to as the "Rathskeller") located at 600 Turk Street, in the City and County of San Francisco, State of California. The accused remained at the Rathskeller at least through the end of the Third Watch, i.e., through 2300 hours;

(e) While at the Rathskeller from approximately 1800 hours through 2100 hours, the accused was behind the bar serving drinks to persons attending a party organized and sponsored by the 156th Recruit Class;

(f) At approximately 2115 hours, one of the male members of the 156th Recruit Class was led to a stage in full view of the persons in the Rathskeller, handcuffed to a chair, and was orally copulated by a female alleged to be a prostitute;

(g) The accused, though denying that he witnessed the act of oral copulation described above, was informed and knew of the incident at or near the time it occurred and later discussed the incident with the two officers believed to be responsible for bringing the female to the Rathskeller to perform the act of oral copulation;

(h) The accused did not make any written report of the performance of an act of oral copulation on an apparently unwilling victim in a place open to the public;

(i) The accused on some day after the incident set forth above prepared a San Francisco Police Department Form 320, "OFFSETTING OVERTIME REQUEST" (hereinafter referred to as the "card"), requesting to be carried on "time" status for five hours, between the hours of 1800 hours and 2300 hours on April 26, 1984;

(j) The accused signed the name of Acting Lieutenant Layne Amiot the Platoon Commander at Northern Station on April 26, 1984, to the back of the card indicating approval, which card is an official record of the San Francisco Police Department;

(k) The signing of Acting Lieutenant Amiot's name to the back of the card was done without the prior knowledge or acquiescence of of Acting Lieutenant Amiot;

(l) The accused, by failing to submit the request for offsetting overtime prior to absenting himself from duty, in signing Acting Lieutenant Amiot's name to the card without his knowledge or acquiescence, and by failing to take action regarding the incident described above has engaged in conduct which subverts the good order, efficiency and discipline of the Department and reflects discredit on the Department, engaged in conduct unbecoming an officer, a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the Department or any member thereof or that is prejudicial to the efficiency and discipline of the Department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

CHARGE NO. 3

Failure to answer questions truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

(a) At all times herein mentioned, Michael W. McNeill, Star 1975, (hereinafter referred to as "the accused") was and is a Sergeant of Police employed by the San Francisco Police Department and assigned to Company E - Northern Station;

(b) As a Sergeant employed by the San Francisco Police Department, the accused was and is responsible for knowing and obeying the Rules, Orders and Procedures of the San Francisco Police Department;

(c) The accused was interviewed regarding the incident or oral copulation referred to an other matters set forth hereinabove and in that connection was admonished regarding Rule A-21 of General Order D-1 of the San Francisco Police Department;

(d) The accused was evasive and failed to answer truthfully questions propounded in connection with his possible involvement in, and knowledge of, the public act or oral copulation, his request for offsetting overtime, submission of the "card" requesting offsetting overtime, and actions he may have taken regarding investigation of the incident;

(e) the accused, by failing to answer truthfully and without evasion questions propounded relating to the incident of oral copulation, and matters concerning his request for offsetting overtime has engaged in conduct which obstructed the investigation of the aforesaid incident and constitutes a violation of Rule A-21 of General Order D-1 of the San Francisco Police Department which states:

"Members shall, when questioned on matters relating to their employment with the police department by a superior officer or by one designated by a superior officer for this purpose, answer all questions truthfully and without evasion. Prior to being asked to respond to the questions the member shall be advised of and afforded all his/her civil and employee rights as provided at that time by law or contractual agreement."

and

WHEREAS, a hearing on said Charges was had before The Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, June 28, 1984, and on Thursday, June 28, 1984, the matter was submitted to The Police Commission for decision; and

WHEREAS, The Police Commission finds that the said Charges made and filed against Police Sergeant Michael W. McNeill as contained in Charge No. 1, violation of Rule A-26A of General Order D-1 of the San Francisco Police Department are not sustained by the evidence submitted at the hearing; and

WHEREAS, The Commission finds that the allegations contained in Charge No. 2, violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, are clarified and amended, as follows, and are sustained by the evidence at the Hearing:

CHARGE NO. 2

Engaging in conduct which subverts the good order, discipline and efficiency of, and reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

Whereas, at all times herein mentioned, Michael W. McNeill, Star 1975 (hereinafter referred to as "the accused"), was and is a Sergeant of Police employed by the San Francisco Police Department and assigned to Company E - Northern Station; and

Whereas, as a Sergeant employed by the San Francisco Police Department, the accused was and is responsible for knowing and obeying the Rules, Orders and Procedures of the San Francisco Police Department; and

Whereas, at or about 1800 hours, the accused left Northern Station and went to the premises of the Rathskeller Bar and Restaurant (hereinafter referred to as the "Rathskeller") located at 600 Turk Street, in the City and County of San Francisco, State of California. The accused remained at the Rathskeller at least through the end of the Third Watch, i.e., through 2300 hours; and

Whereas, while at the Rathskeller from approximately 1800 hours through 2100 hours, the accused while off-duty status, was behind the bar serving drinks to persons attending a party organized and sponsored by the 156th Recruit Class; and

Whereas, at approximately 2115 hours, one of the male members of the 156th Recruit Class was led to a stage in full view of the persons in the Rathskeller, handcuffed to a chair, and was orally copulated by a female alleged to be a prostitute; and

Whereas, the accused, though denying that he witnessed the act of oral copulation described above, was informed and knew of the incident at or near the time it occurred and later discussed the incident with the two officers believed to be responsbile for bringing the female to the Rathskeller to perform the act of oral copulation; and

Whereas, the accused did not make any written report; and

Whereas, the accused on some day after the incident set forth above prepared a San Francisco Police Department Form 320, "OFFSETTING OVERTIME REQUEST" (hereinafter referred to as the "card"), requesting to be carried on "time" status for five hours, between the hours of 1800 hours and 2300 hours on April 26, 1984; and

Whereas, the accused signed the name of Acting Lieutenant Layne Amiot, the Platoon Commander at Northern Station on April 26, 1984, to the back of the card indicating approval, which card is an official record of the San Francisco Police Department; and

Whereas, the signing of Acting Lieutenant Amiot's name to the back of the card was done without the prior knowledge or acquiescence of Acting Lieutenant Amiot; and

Whereas, in signing Acting Lieutenant Amiot's name to the card without his knowledge or acquiescence of Acting Lieutenant Amiot; and

Whereas, in signing Acting Lieutenant Amiot's name to the card without his knowledge or acquiescence, and by failing to take action regarding the incident described above, has engaged in conduct which subverts the good order, efficiency and discipline of the Department and reflects discredit on the Department, engaged in conduct unbecoming an officer, a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

> "Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the Department, or which reflects discredit upon the Department; or any member thereof or that is prejudicial to the efficiency and discipline of the Department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

and

Whereas, The Commission finds that the allegations contained in Charge No. 3, violation of Rule A-21 of General Order D-1 of the San Francisco Police Department, are clarified and amended as follows, and, are sustained by the evidence presented at the Hearing:

CHARGE NO. 3

Failure to answer questions truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

Whereas, at all times herein mentioned, Michael W. McNeill, Star 1975, (hereinafter referred to as "the accused"), was and is a Sergeant of Police employed by the San Francisco Police Department and assigned to Company E - Northern Police Station; and

Whereas, as a Sergeant employed by the San Francisco Police Department, the accused was and is responsible for knowing and obeying the Rules, Orders and Procedures of the San Francisco Police Department;

The accused was interviewed regarding the incident of oral copulation referred to and other matters set forth hereinabove and in that connection was admonished regarding Rule A-21 of General Order D-1 of the San Francisco Police Department;

The accused was evasive and failed to answer truthfully questions propounded in connection with his possible involvement in, and knowledge of, the public act of oral copulation, his request for offsetting overtine, the submission of the "card" requesting offsetting overtime, and actions he may have taken regarding investigation of the incident;

The accused, by failing to answer truthfully and without evasion, therefore it is a violation of Rule A-21 of General Order D-1 of the San Francisco Police Department which states:

"Members shall, when questioned on matters relating to their employment with the police department by a superior officer or by one designated by a superior officer for this purpose, answer all questions, truthfully and without evasion. Prior to being asked to respond to the questions the member shall be advised of and afforded all his/her civil and employee rights as provided at that time by law or contractual agreement.";

therefore be it;

RESOLVED, that The Commission finds that the allegations contained in amended Charges No. 2 and No. 3 preferred by the Chief of Police against Police Sergeant Michael W. McNeill are sustained by the evidence presented and said Charges are adopted as its findings in this matter; and be it further

RESOLVED, that based on these findings, consistant with The Commission's duty to protect the health, safety and general welfare of the Citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, The Commission Orders that the following discipline be imposed:

Charge No. 2 [penalty] 60 calendar days
Charge No. 3 [penalty] 60 calendar days

and be it further;

RESOLVED, that said suspension totaling 120 calendar days, minus 58 days credit for suspension time already served, shall commence on Friday, June 29, 1984 at 0001 hours and end on Wednesday, August 29, 1984 at 2400 hours.

Recesses taken during the Hearing of Sergeant McNeill:

8:44 p.m. to 9:04 p.m.
10:58 p.m. to 11:10 p.m.
1:30 a.m. to 2:05 a.m.

The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

HEARING OF OFFICER JOHN A. POELSTRA, POTRERO STATION

RESOLUTION NO. 621-84

WHEREAS, the date set for the disciplinary hearing of Officer John A. Poelstra, Potrero Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Jerry Akins, Attorney for the San Francisco Police Department, that the date for the hearing before The Police Commission be set for Thursday, June 14, 1984; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer John A. Poelstra, Potrero Station, is set for Thursday, June 14, 1984, at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

DISCUSSION IN REGARD TO THE PSYCHOLOGICAL ASSESSMENT OF ENTRY LEVEL POLICE OFFICERS

Discussion was held in regard to the psychological assessment of entry level police officers. Sergeant Alan Benner of the Consent Decree Unit stated the five (5) categories of prospective recruits: A, B, C, D, & F. Marginal candidates would be the concern of The Commission.

Commissioner Hsieh voiced his opinion that a program should be developed by the Department in regard to psychological counseling of recruits experiencing stress problems. All Commissioners supported the psychological screening as a program that was long overdue in the Department. Commissioner Hsieh asked to see a progress report when the program was implemented and Sergeant Benner agreed to furnish The Commission with said report as soon as possible.

HEARING OF THE REQUEST OF OFFICER MICHAEL MORRIS FOR A RECOMMENDATION FOR DISABILITY RETIREMENT

Continued to June 21, 1984. Call Dr. Steiner.

HEARING OF PATROL SPECIAL OFFICER RALPH C. LACEY, CENTRAL POLICE DISTRICT (FROM MEETING OF MAY 10, 1984)

RESOLUTION NO. 606-84

WHEREAS, the hearing of Patrol Special Officer Ralph C. Lacey, Central Police District, was called it having been set for this date; and

WHEREAS, it has been requested by Mr. Michael E. Gash, Attorney at Law, representing the San Francisco Police Department, that the matter be continued to Thursday, July 26, 1984; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Patrol Special Officer Ralph C. Lacey, Central Police District, is continued to Thursday, July 26, 1984 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

THE MEETING WAS THEN ADJOURNED AT 10:00 P.M.

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

942/sj

14 JUNE 1984 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Thursday, June 14, 1984 at 1700 hours in Executive Session.

PRESENT: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

1. Personnel Matter.

2. Attorney-Client Conference.

Commissioner Nelder presiding.

14 JUNE 1984 REGULAR SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, June 14, 1984 at 1730 hours in Regular Session.

PRESENT: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

Commissioner Nelder presiding.

APPROVAL OF CONSENT CALENDAR

RECOMMENDATION OF THE TRAFFIC BUREAU ON THE INSTALLATION OF ZONING FOR THE REGULATION OF TRAFFIC ON THE PUBLIC STREETS.

1691 LAGUNA ST (SUTTER ST) "SOTO ZEN MISSION" GRANT

At 1691 Laguna Street, INSTALL 22' white zone from 10' to 32' south of the north property line.

301 BAY ST (POWELL ST) "CAESAR'S RESTAURANT" GRANT

At 301 Bay Street, INSTALL 20' yellow east of west building line to join into existing yellow zone.

1617 TARAVAL ST (26th AVE) "EAGLE SECURITY SERVICE GRANT

At 1617 Taraval Street, INSTALL 23' yellow from 52' to 75' west of 26th Avenue on Taraval, REMOVE meter #1605.

1335 GUERRERO ST (25th ST) "KATHY MICHIELS SCHOOL" DENY

At 1335 Guerrero Street, INSTALL 29' white zone from 15' to 44' south of north property line of 1335 Guerrero.

229-31 ELLIS ST (ELLIS ST) "S.F.F.D." REVOKE

At 229-31 Ellis Street, REVOKE 25' white west of east line of #229 Ellis Street.

395 JESSIE ST (395) "S.F.P.D." REVOKE

At 395 Jessie Street, REVOKE 116' yellow west of the east building line.

2225 ,OSSOPM (18TH ST.) "S.F.P.D." REVOKE

At 2225 Mission Street, REVOKE 28' white north of the south property line; INSTALL one 1 hr. parking meter.

1337 SUTTER STREET (VAN NESS AVE) "S.F.P.D." REVOKE

At 1337 Sutter Street, REVOKE 25' white zone from 138' to 163' west of Van Ness Ave. INSTALL one hour parking.

545 POWELL STREET (BUSH STREET) "S.F.P.D." REVOKE

At 545 Powell Street, REVOKE 54' White from 57' to 111' south of Bush Street.

2170 BRYANT STREET (20th ST) "S.F.P.D." REVOKE

At 2170 Bryant Street, REVOKE 40' yellow south of the north property line.

REVOKED

RESOLVED, that the recommendation of the traffic Bureau on the revocation of 288 feet of red, green, and yellow zones, at the parts of the City, at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

RECOMMENDATION OF THE CITY ATTORNEY FOR SETTLEMENT OF THE FOLLOWING CLAIMS AGAINST THE CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. 664-84

BEN E. FOX

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Ben E. Fox in Superior Court Action No. 801-844 entitled "Ben E. Fox vs. City and County of San Francisco," in the sum $75.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: 1982

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 635-84

GLORIA CASTILLO

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Superior Court Action No. 794-191 entitled "Gloria Castillo vs. City and County of San Francisco," in the sum of $500.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 9, 1981

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 636-84

STANLEY SYDOROWITZ

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Stanley Sydorowitz in the sum of $2,500.00 in Superior Court Action No. 759-396 entitled "Stanley Sydorowitz vs. City and County of San Francisco," be, and the same is hereby approved.

Date of Incident: January 17, 1979

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 637-84

DOROTHY COLEMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dorothy

Coleman against the City and County of San Francisco in the sum of $7,500.00 as the result of damages sustained, be, and the same is hereby approved.

RESOLUTION NO. 638-84

GEORGE W. BENEDICT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of George W. Benedict against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 11, 1984

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 639-84

NANETTE BIERS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Nanette Biers against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 9, 1984

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 640-84

VALERIE BISHOP

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Valerie Bishop against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 3, 1984

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 641-84

GEORGIANN CERRUTI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Georgiann Cerruti against the City and County of San Francisco in the sum of $53.25 as the result of a fautly tow, be, and the same is hereby approved.

Date of Incident: May 4, 1984

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 642-84

LUCY FRANCIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lucy Francis against the

City Attorney for settlement of the claim of Lucy Francis against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 4, 1984

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 643-84

STEVE JOHNSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Steve Johnson against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 25, 1984

AYES: Commissioners Daly, Hsieh, Nedler
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 644-84

MARLENE KERRY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Marlene Kerry against the City and County of San Francisco in the sum of $76.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 10, 1984

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 645-84

IAN C. D. MOORE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ian C.D. Moore against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 16, 1984

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 646-84

CAROLYN PALMER

RESOVED, that the recommendation of the City Attorney for settlement of the claim of Carolyn Palmer against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 10, 1984

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 647-84

ROBERT C. SOMMERFELD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert C. Sommerfeld against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 12, 1984

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 648-84

PAMELA K. STEINKE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Pamela K. Steinke against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 24, 1984

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 649-84

THOMAS J. BUTLER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Thomas J. Butler against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 12, 1984

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 650-84

JOSEPHINE FLOYD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Josephine Flloyd against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 9, 1984

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 651-84

WENDY GARFIELD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Wendy Garfield against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 11, 1984

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 652-84

CHONG-SHIN HUYNH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Chong-Shin Huynh against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 3, 1984

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 653-84

KEVIN JOHNSTON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kevin Johnston against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 2, 1984

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 654-84

GREG LA FORGE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Greg La Forge against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 27, 1984

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 655-84

KARIN LODEEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Karin Lodeen against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 15, 1984

AYES: Commissioners Daly, Hsieh, Nedler
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 656-84

YELLOW CAB CO-OP INC.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Yellow Cab Co-Op, Inc. against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 6, 1984

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 657-84

SHERWIN C. WON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sherwin C. Won against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 7, 1984

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 658-84

WILLIAM J. McINERNY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of William J. McInery against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 3, 1984

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 659-84

TSIN AH LOUIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Tsin Ah Louis against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 27, 1984

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 660-84

LYNNE GEER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lynne Geer against the City and County of San Francisco in the sum of $64.75 as the result of damages sustained be, and the same is hereby approve

Date of Incident: April 16, 1984

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 661-84

GERALD SHANNON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gerald Shannon against the City and County of San Francisco in the sum of $53.25 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 6, 1984

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

REQUEST FOR APPROVAL OF TRAVELING EXPENSE VOUCHER SUBMITTED BY SGT. JAMES HALL AND 15 TRAINEES FOR ATTENDANCE AT THE FBI/SWAT TRAINING COURSE AT FT. ORD, CA FROM 05/22/84 TO 05/24/84.

RESOLUTION NO. 662-84

TRAVELING EXPENSE VOUCHER

RESOLVED, that the Traveling Expense Voucher submitted by the following named member of the Police Department for expenses incurred in attending the below-indicated program, be, and the same is hereby approved:

Sgt. James Hall and) Fifteen (15) Trainees)	$3,097.50	(FBI - SWAT Training (Ford Ord, CA (05/22/84 - 05/24/84

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE THAT CAPTAIN HENRY EIDLER, CRIMINAL INFORMATION DIVISION, BE AUTHORIZED TO INSPECT THE AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM FACILITY IN MONTGOMERY/PRINCE GEORGES COUNTIES, MARYLAND FROM JULY 5 TO JULY 8, 1984.

RESOLUTION NO. 633-84

AUTHORIZING ATTENDANCE OF CAPTAIN HENRY EIDLER, CRIMINAL INFORMATION DIVISION, BE AUTOMATED FINGERPRINT INDENTIFICATION SYSTEM FACILITY IN MONTGOMERY/PRINCE GEORGES COUNTIES, MARYLAND, FROM JULY 5 TO JULY 8, 1984.

RESOLVED, that the recommendation of the Chief of Police that Captain Henry Eidler, Criminal Information Division, be authorized to attend the Automated Fingerprint Identification System Facility in Montgomery/Prince Georges Counties, Maryland, from July 5 to July 8, 1984, be, and the same is hereby approved; and be it further

RESOLVED, that all expenses incurred by the above-named member of the Police Department in a sum not to exceed $736.22 for subsistence and travel will be defrayed from the Fingerprint Computer Budget.

AYES: Commissioners Daly, Hsieh, Nedler
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 667-84

LEONARD ONG

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Leonary Ong against the City and County of San Francisco in Municipal Court Action No. 866-645 entitled, "Leonard Ong vs. City and County of San Francisco, et al.," in the sum of $2,500.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 24, 1983

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE THAT INSPECTORS LLOYD CUNNINGHAM AND GEORGE WALSH, FRAUD DETAIL, BE AUTHORIZED TO ATTEND THE CREDIT CARD FRAUD AND TRAVELERS CHECK FRAUD TRAINING SESSION IN LOS ANGELES CA ON JUNE 26, 1984.

RESOLUTION NO. 668-84

AUTHORIZING ATTENDANCE OF INSPECTORS LLOYN CUNNINGHAM AND GEORGE WALSH, FRAUD DETAIL, AT THE CREDIT CARD FRAUD AND TRAVELERS CHECK FRAUD TRAINING SESSION LOS ANGELES, CA ON JUNE 26, 1984

RESOLVED, that the recommendation of the Chief of Polic that Inspectors Lloyd Cunningham and George Walsh, Fraud Detail, be authorized to attend a Credit Card Fraud and Travelers Check Fraud Training Session conducted by Kirk Plastics and Jefferies Bank Note Company in Los Angeles, California on June 26, 1984, be, and the same is hereby approved; and be it further

RESOLVED, that all expenses incurred by the above-named members of the Police Department in a sum not to exceed $208.00 each for subsistence and travel will be defrayed from the Department Training Fund.

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE THAT OFFICER MATTHEW PEREZ, ACADEMY, BE AUTHORIZED TO ATTEND THE POST INSTRUCTIONAL MEDIA PRODUCERS COMMITTEE MEETING IN SAN DIEGO CA FROM JUNE 26 TO JUNE 27, 1984.

RESOLUTION NO. 669-84

AUTHORIZING ATTENDANCE OF OFFICER MATTHEW PEREZ, POLICE ACADEMY, AT THE POST INSTRUCTION MEDIA PRODUCERS COMMITTEE MEETING IN SAN DIEGO CA FROM JUNE 26 TO JUNE 27, 1984.

RESOLVED, that the recommendation of the Chief of Police that Officer Matthew Perez, Police Academy, be authorized to attend the POST Instructional Media Procedures Committee Meeting conducted by the Commission on Peace Officer Standards and Training in San Diego, California from June 26, 1984, be, and the same is hereby approved; and be it further

RESOLVED, that all expenses incurred by the above-named member of the Police Department will be paid by POST at no expense to this Department.

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

POLICE COMMISSION REPORT

Commissioner Hsieh said that last Friday, June 8, 1984, he chaired the Awards Committee meeting. He said he was very proud that they recognized the heroics of approximately 37 officers. He said there is one particular officer that he would like very much to bring to the Commissioners attention. He continued by saying that he felt strongly that this Officer should be considered for exceptional recognition. The Officer he said is Jay Dowke. He said he would briefly state the action that Officer Dowke performed to receive this exceptional award. He said it was during the early part of this year, January, while off duty and with his wife and nephew when he observed a house in flames and drove his auto to the area and had his nephew notify the police and fire departments and then went into the flaming premises. He said during that particular time Officer Dowke was able to save over 20 persons lives who would have perished had it not been for the Officer's heroics. He said at this time he would make a motion that Officer Jay Dowke be awarded a Gold Medal of Valor. Commissioner Daly seconded and it was unanimously approved.

Commissioner Hsieh said that another motion would be that the other 36 awardees be granted approval for their awards granted at the Award Committee meeting of Friday June 8, 1984. Commissioner Daly seconded and it was unanimously approved. July 5th was chosen as the date for presentation of said awards.

CHIEF'S REPORT TO THE POLICE COMMISSION.

Chief Murphy said he had no report tonight. Commissioner Daly asked if the KKK had or had not been offered an permanent settlement. The Chief said they requested it but it has not as of this date been issued.

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION AUTHORIZE THE USE OF FOUR-DOOR STATION WAGONS AS TAXICAB.

Officer Farrell Suslow advised the Commission that they have received request from citizens and taxi cab drivers and owners to be able use station wagons as taxicabs. He said it had been reviewed by the Permit Section and the code does allow such usage provided it is used in other cities and other states throughout the country. He said a survey taken by his section revealed it is used throughout the country and they would recommend its approval.

Commissioner Daly said she has seen them also and feels it would help the service in as far as luggage provision are concerned. She said she would move that this be approved with the provisison that the Police Commission approves the appearance of each station wagon cab as it comes about. she said she would also ask that there be some definition and that definition should be an americian made or american sized stationwagon which would be the same size as the sedan of a taxicab company now. She said she would like for him (Suslow) to come back with certification that it wasn't for additional passengers either. Commissioner Hsieh said he would like to move that the staff prepare necessary specifications for a 4 door stationwagon, with standards and performance and appearance the same as sedans with luggage area used for that purpose only.

Commissioner Nelder said that the Commission is, in essence saying that it wants the staff to come back with a reolution written up that meets the qualifications and specifications prescribed. Commissioner Daly then moved that this recommendation to approve stationwagons as taxicabs provided they meet specifications as outlined by the Commission be approved.

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION DENY TAXICAB OWNER PERMITS TO THE FOLLOWING NAMED INDIVIDUALS:

Officer Suslow explained to the Commissioners the reasons for the Department's recommendation for denial of each of these applicants.

After listening to the reasons for denied the Commissioners passed the following resolutions:

RESOLUTION NO.625-84

APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF A TAXI-CAB (DENIED)

WHEREAS, Mr. Wendell C. Farr, applied to the Police Commission for a declaration by the Commission of Public Convenience and Necessity for the City and County of San Francisco; and

WHEREAS, Mr. Farr appeared before the Commission and was represented by counsel; and

WHEREAS, it was brought to the attention of the Commission that Mr. Farr, under penalty of perjury provided inconsistent information to police department investigators regarding his residence, his dates of employment as a driver for several cab companies in and out of the city, his arrest of which in a current incident he was arrested in his cab in San Jose for using PCP and another incident where he is listed as a suspect in an assualt and battery upon a passenger at the San Jose Airport.

WHEREAS, Mr. Farr, speaking in his own behalf, failed to present testimony or evidence to refute the written documentation of these incidents; therefore be it

RESOLVED, that it is the order of the Police Commissic that because Mr. Wendell C. Farr's character and background indicates that he could not be relied upon as a Taxi Cab Owner/Operator to assure prompt, safe, courteous and honest service to the riding public, his application for Public Convenience and Necessity for the issuance of a Taxicab Owner Permit shall, be, and the same is hereby denied.

AYES: Commissioners Hsieh, Daly, Nelder
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 626-84

APPLICATION FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF TAXICABS - DENIED

WHEREAS, Mr. Edwin K. Grenfel applied to the Police Commission for a declaration by the Police Commission of Public Convenience and Necessity for the issuance of permit to operate a taxicab in the City and County of San Francisco; and

WHEREAS, this matter came on for hearing before the Police Commission of the City and County of San Francisco on Thursday, May 10, 1984; and

WHEREAS, Mr. Grenfel did not appear before the Commission and was not represented by counsel; and

WHEREAS, Mr. Grenfel failed to file the appropriate application forms, after staff from the Permit Section contacted him and provided him with all the necessary forms, related documents and instruction on how to file his Taxicab Owner permit application; and

WHEREAS, the matter as stated above was on the Police Commission agenda and continued from time to time to allow Mr. Grenfel suffieicnt time to file his application; and

WHEREAS, Mr. Grenfell was directed to file the necessary application forms and related documents no later than June 5, 1984, and he failed to do so; therefore be it

RESOLVED, that it is the order of the Police Commission that because Mr. Grenfell has failed to respond as outlined in the above paragaphs, his application for the issuance of a Taxicab Owner Permit shall, be, and the same is hereby denied.

AYES: Commissioners Hsieh, Daly, Nelder
ABSENT: Commissioner Sanchez, Toler

Officer Suslow said that in the case of Mr. Joe Martinez that he is a felony addict, has been convicted for possession of concealed firearms, possession of narcotics and for sales, keeping a place for dispensing controlled substances, possission of a hypo needle and syringe, etc. He said Mr. Martinez is subject to warrantless search and the search and the Immigration and Naturalization Service has indicated that Mr. Martinez is under a deportation proceeding and there is a 60% probability that he will be deported. In responese, Mr. Martinez said he did not see the problem, that those cases are all old and in the past.

The Commissioners then voted to deny Mr. Martinez a Taxicab Owner Permit also.

RESOLUTION NO. 627-84

APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF TAXICABS - DENIED

WHEREAS, Mr. Edwin K. Grenfell applied to the Police Commission for a declaration by the Police Commission of Public Convenience and Necessity for the issuance of permit to operate a taxicab in the City and County of San Francisco;
and

WHEREAS, this matter came on for hearing before the Police Commission of the City and County of San Francisco on Thursday, May 10, 1984, May 24, 1984 and Thursday June 14, 1984; and

WHEREAS, Mr. Grenfell did not appear before the Commission and was not represented by counsel; and

WHEREAS, it was brought to the attention of the Police Commission that Mr. Martinez has an extensive criminal record in San Francisco listing seven (7) felonies and 10 misdemeanors including felon/addict possessing a firearm, possessing narcotic and contolled substance of hypo-needle syringe, and that he is also under deportation proceedings per Section 241

(ALL) of the Immigration and Nationality Act for criminal activity; and

WHEREAS, Mr. Martinez speaking in his own behalf fail ed to present testimony or evidence to refute the written documentation of these incidents; therefore be it

RESOLVED, that it is the order of the Police Commissio that because Mr. Joe V. Martinez's character and background indicates that he could not be relied upon as a Taxicab Owner/Operator to assure prompt, safe, courteous and honest service to the riding public, his application for Public Convenience and Necessity for the issuance of a Taxicab Owner Permit shall, be, and the same is hereby denied.

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

HEARING OF THE COMPLAINT FILED BY THE PERMIT BUREAU AGAINST MR. JUGO R. SOTO, ASKING FOR THE REVOCATION OF HIS JITNEY BUS OWNER PERMIT.

Officer Suslow also appearing on this matter said the Chief had held a hearing on Mr. Solo's Permit because of a complaint of non-operation. He said the permit section files indicate that the driver for Mr. Soto stopped driving November 26, 1983. He said there was a similar incident where Mr. Soto reprimanded by the Chief of Police in 1982 for the same violation. Mr. Joel Marsh, attorney for Mr. Soto said that if the Commission revoked Mr. Soto's permit it would bestow upon him an economic hardship. He then gave a chronological explanation to the Commission as to Mr. Soto's problems with drivers and insurance coverage. After listening to further discussion the matter was continued to July 12, 1984, to allow the Department and Mr. Marsh to meet and possible work something out.

DISCUSSION OF GENERAL ORDER NO. D-4 REGARDING SELECTION AND APPOINTMENT OF LICENSED HEALTH PROFESSIONALS FOR THE SUBSTANCE ABUSE EDUCATION COMMITTEE

Commissioner Nelder said that this item should be continued as Dr. Sanchez who is highly interested in this matter would like to have input as to its final disposition.

It was then continued for 2 weeks to June 28, 1984.

Police Officers Association President Al Casciato said that the three doctors involved have already been working togeather and cooperating in a planning mode.

PUBLIC DISCUSSION IN REGARD TO PROPOSED CONTRACT WITH LOS ANGELES COUNTY TO TRANSPORT PRISIONERS.

Captain Henry Eidler of the support Services Bureau explained the advantages for the Department to enter into this contract to the Commission. The Commission pleased with the monetary advantage coupled with the safe transportation and nonloss of prisoners approved the contract.

RESOLUTION NO. 665-84

PROPOSED CONTRACT WITH LOS ANGELES COUNTY TO TRANSPORT PRISIONERS - APPROVED.

WHEREAS, the current prisoner transportation contract between the City and County of San Francisco and the County of Los Angeles will expire on September 17, 1984, and

WHEREAS, the current contract has proveded the San Francisco Police Department with a cost-effective means of transporting prisoners to San Francisco, and

WHEREAS, the San Francisco Police Department wishes to continue to receive the services provided by the Los Angeles County Sheriff's Office, now therefore be it

RESOLVED, that the Board of Supervisors is requested to approve the attached contract between the County of Los Angeles and the City and County of San Francisco which will provide for the transporation of prisoners to San Francisco by the Los Angeles County Sheriff.

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

HEARING OF THE REQUEST OF OFFICER CHARLES M. COLLINS FOR A RECOMMENDATION FOR DISABILITY RETIREMENT.

RESOLUTION NO. 628-84

DECISION - IN THE HEARING OF THE REQUEST OF OFFICER CHARLES M. COLLINS, TRAFFIC ADMINISTRATION

WHEREAS, on April 17, 1984, pursuant to Police Commission Resolution No. 979-82 (Light Duty Police), a petition on behalf of Police Officer Charles M. Collins, Star 888, Traffic Administration, was submitted by Police Officers Association Attorney Michael S. Hebel, requesting that Officer Charles Collins be retired; and

WHEREAS, the Police Commission placed the matter on Commission calendar on June 14, 1984 for consideration and hearing; and

WHEREAS, a hearing on said matter was had before the Police Commission on Thursday, June 14, 1984, and on Thursday, June 14, 1984, the Police Commission took the matter under submission; and

WHEREAS, the Police Commission finds that the evidence submitted regarding Officer Charles Collins request to be retired pursuant to Commission Resolution No. 979-82, November 24, 1982, was sufficient on its face to grant his request; therefore be it

RESOLVED, that it is the order of the Police Commission that Officer Charles Collins, Traffic Administration, has submitted sufficient evidence to justify his retirement pursuant to Commission Resolution No. 979-82; and be it further

RESOLVED, that it is the order of the Police Commission that Officer Charles Collins, Traffic Administration, request to be retired pursuant to Police Commission Resolution No. 979-82, be, and the same is hereby approved.

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE COMMISSION ACCEPT A GIFT OF 150 FABRIC PANELS FROM THE LEVI STRAUSS CO. TO BE USED IN THE OPERATIONS CONTROL CENTER DURING THE DEMOCRATIC NATIONAL CONVENTION.

WHEREAS, the Levi Strauss Company has donated 150 fabric panels to be used by the Police Department during the Democratic National Convention; therefore be it

RESOLVED, that the San Francisco Police Commission accepts 150 fabric panels from the Levi Strauss Company pursuant to Administrative Code Section 10.116.

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

HEARING OF OFFICER JOHN A. POELSTRA, POTRERO STATION.

RESOLUTION NO. 670-84

The hearing of Police Officer John A. Poelstra, Potrero Station, was called it having been set for this date, Police Officer John Poelstra, was charged with violating the Rules and Procedures as follows:

CHARGE NO. 1

Failure to comply with Department Weight Standards (violation of Section II of Subsection A-1 of General Order B-1 of the San Francisco Police Department).

in a propertly verified complaint by George Eimil, Acting Chief of Police of the San Francisco Police Department.

Police Officer John A. Poelstra appeared in person and was represented by Sergeant Croce Casciato, President of the Police Officers' Association.

Mr. Jerry Akins, Attorney at Law, appeared as Prosecutor for the San Francisco Police Department.

An opening statement was made by Mr. Jerry Akins, Prosecuting Attorney.

An opening statement was made by Sergeant Croce Casciato President of the Police Officers' Association, representing Officer John Poelstra.

The Charge against Police Officer Poelstra was then read into the record.

Closing statements were made by both Prosecuting Attorney and Sergeant Casciato.

The Commission took the matter under submission, recessed and returned, finding that Charge No. 1 is sustained.

Based on those findings the Commission requested a recommendation from Chief of Police Cornelius P. Murphy. It is the recommendation of the Chief of Police that Police Officer John A. Poelstra, be suspended for 30 days, but held in abeyance for 60 days.

The Commission again took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 670-84

DECISION - HEARING OF POLICE OFFICER JOHN A. POELSTRA, POTRERO STATION

WHEREAS, on May 9, 1984, George Eimil, Acting Chief of Police, made and served Charges against Police Officer John A. Poelstra, Potrero Station as follows:

CHARGE NO. 1

Failure to comply with Department Weight Standards (violation of Section II, Subsection A-1 of General Order B-1 of the San Francisco Police Department).

(a) At all times herein mentioned, John A. Poelstra, hereinafter the accused, was and is a police officer, appointed after March 17, 1980, employed by the San Francisco Police Department, and currently assigned to Company C - Potrero Station.

(b) As a police officer, the accused was and is responsible for knowing and obeying the Rules, Procedures, and Orders of the San Francisco Police Department;

(c) The accused is 6' 2" tall and by department standards set forth in General Order B-1 has a maximum allowable weight of 216 pounds to 237.6 pounds with a 10% allowable for sustaining a reclining blood pressure between 140mm systolic/90 diastolic;

(d) On September 21, 1983, the accused was admonished by the Commanding Officer of Personnel and Training for failure to comply with Department Weight Standards and was ordered to comply November 11, 1983;

(e) On November 14, 1983, the accused was weighed at 247 pounds, which exceeded his maximum allowable weight;

(f) On November 15, 1983, the accused was reprimanded by the Chief of Police and ordered to comply with Department Weight Standards by December 23, 1983;

(g) On December 28, 1983, the accused was weighed at 240 pounds, which exceeded his maximum allowable weight;

(h) On February 14, 1984, a Chief's disciplinary hearing was held for the accused. The accused was ordered by the Chief of Police to comply with Department Weight Standards by April 16, 1984;

(i) On April 18, 1984, the accused was weighed at 252 pounds with a reclining blood pressure of 148 systolic/104 diastolic, which exceeded his maximum allowable weight;

(j) By failing to comply with Department Weight Standards, the accused violated Section II, Subsection A-1 of General Order B-1 of the San Francisco Police Department which states in pertinent part:

"A. Weight Requirements

a. Members must stay within the assigned weight below.

b. HEIGHT	MINIMUM WEIGHT	MAXIMUM WEIGHT
6' 2"	164	216"

and

WHEREAS, a hearing on said charges was had before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, June 14, 1984 and on Thursday, June 14, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the said Charges made and filed against Police Officer John A. Poelstr as contained in Charge No, 1, Section II, Subsection A-1 of General Order B-1 of the San Francisco Police Department are sustained by the evidence presented at the hearing; therefore be it

RESOLVED, that it is the order of the Police Commission that for said violation, Police Officer John A. Poelstra, Portero Station, shall be suspended for 30 calendar days without pay which will be held in abeyance for 60 days, pending Officer Poelstra's weight loss. Dr. Norman Steiner will monitor said weight loss. If at the end of the 60 day period Officer Poelstra has not lost the required five (5) pounds, the 30 day suspension held in abeyance shall be imposed.

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

HEARING OF THE REQUEST OF OFFICER JAMES L. STOKES FOR RECOMMENDATION FOR DISABILITY RETIREMENT.

Mike Hebel appeared on this matter and advised the Commission that he was representing Officer Stokes. He then gave a summary of the illnesses incurred on duty by Officer Stokes and requested that he be retired for disability. Dr. Steiner also spoke on the illnesses of Officer Stokes and said that it has been 8 months since he has had any further documentation. Commissioner Nelder then said the Commission would continue the matter off calendar until at such time further medical reports are received and analyzed by Dr. Steiner.

HEARING OF OFFICER GEORGE PAGANUCCI, SOUTHERN STATION.

The hearing of Police Officer George S. Paganucci, Southern Station was called it having been set for this date, Police Officer George Paganucci, was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency and discipline of the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department

Police Officer George S. Paganucci appeared in person and was represented by Mr. Robert Martin, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared as Prosecutor for the Police Department.

An opening statement was made by Mr. Jerry Akins, Prosecuting Attorney.

An opening statement was made by Mr. Robert Martin, Attorney for Officer George Paganucci.

The Charges against Police Officer Paganucci were then read into the record.

The following named witnesses appeared for the Prosecuting and Defense Attorneys.

The Commission took the matter under submission, recessed and returned, finding that charges in Specification No. 1 are sustained.

Based on those findings the Commission requested a recommendation from Chief of Police Cornelius P. Murphy. It is the recommendation of the Chief of Police that Police Officer George S. Paganucci, be suspended for 60 days, but held in abeyance for one (1) year.

The Commission again took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 631-84

DECISION - HEARING OF POLICE OFFICER GEORGE S. PAGANUCCI, SOUTHERN STATION

WHEREAS, on January 24, 1984, Cornelius P. Murphy, Chief of Police, made and served charges against Police Officer George Paganucci, Southern Station as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order and discipline of the Department and which reflects discredit on the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

(a) At all times herein mentioned, George S. Paganucci, Star 1671 (hereinafter referred to as "the accused"), was and is a police officer employed by the San Francisco Police Department and assigned to Southern Police Station.

(b) As a police officer, the accused was and is responsible for knowing and obeying the rules orders and procedures of the San Francisco, Police Department and the laws of the State of California;

(c) On or about November 17, 1984, in San Mateo California, while off duty, the accused assaulted another person;

(d) As a result of this incident and the ensuing proceedings in the Municipal Court, the accused was found guilty by the Court on a plea to a violation of Penal Code Section 242, a misdemeanor;

(e) Section 242 of the California Penal Code states:

"A battery is any willful and unlawful use of force or violence on the person of another."

(f) By violating Penal Code Section 242, the

accused engaged in conduct which subverts the good order, efficiency and discipline of the Department and brings discredit on the Department which constitutes a violation of Rule A-9 General Order D-1 of the San Francisco Police Department which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any members either within or without the state which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department or any member thereof or that is prejudicial to the efficiency and discipline of the Department though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be punishable by the Board."

and

WHEREAS, a hearing on said charges was had before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, June 14, 1984, and the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the said charges made and filed against Police Officer George S. Paganucci as contained in Specification No. 1, Rule A-9 of General Order D-1 of the San Francisco Police Department are sustained by evidence presented at the hearing; therefore be it

RESOLVED, that it is the order of the Police Commission that Police Officer George S. Paganucci, Southern Station, has violated Specification No. 1, Rule A-9 of General Order D-1 of the San Francisco Police Department; and be it further

RESOLVED, that it is the order of the Police Commission that for said violation, Police Officer George Paganucci, Southern Station, shall be suspended for sixty (60) calendar days without pay which will be held in abeyance for one year, provided that Officer Paganucci shall satisfactorily complete a one year probationary period and upon satisfactory completion, the sixty (60) days suspension held in abeyance shall be dismissed.

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

HEARING OF OFFICER DANIEL MARR, PARK STATION

RESOLUTION NO. 632-84

WHEREAS, the hearing of Police Officer Daniel G. Marr, Park Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Jerry W. Akins, Attorney for the San Francisco Police Department, that the hearing be set for Thursday, August 30, 1984; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Daniel Marr, Park Station, is set for Thursday, August 30, 1984 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

RECOMMENDATION OF THE AWARDS COMMITTEE

RESOLUTION NO. 634-84

RESOLVED, that the following named members of the Police Department, be, and they are hereby granted Awards of Valor -- Gold Medal, Silver Medal, Bronze Medal and Meritorious Conduct Award, under the provisions of General Order O-5, Sections 1-A and 1-C of the San Francisco Police Department, as approved by the Awards Committee on Friday, June 8, 1984.

Officer Jay K. Dowke	Gold Medal of Valor*
Lt. Raymond C. Minkel	Silver Medal of Valor
Sgt. James B. Hall	Silver Medal of Valor
Police Chaplain Rev. John P. Heaney	Silver Medal of Valor
Police Officer Thomas R. Argo	Silver Medal of Valor
Police Officer Richard W. Barber	Silver Medal of Valor
Police Officer Larry P. Barsetti	Silver Medal of Valor
Police Officer John R. Chestnut	Silver Medal of Valor
Police Officer Edmund L. Garcia	Silver Medal of Valor
Police Officer James S. Gervasi	Silver Medal of Valor
Police Officer Richard M. Huddleston	Silver Medal of Valor
Police Officer Charles J. Keohane	Silver Medal of Valor
Police Officer Mitchel E. Lang	Silver Medal of Valor
Police Officer Frank McDonagh	Silver Medal of Valor
Police Officer Dennis A. Meixner	Silver Medal of Valor
Police Officer Edward P. O'Toole	Silver Medal of Valor
Police Officer Frank A. Palma	Silver Medal of Valor
Police Officer Mark A. Potter	Silver Medal of Valor
Police Officer Lawrence H. Ratti	Silver Medal of Valor
Police Officer George S. Stasko	Silver Medal of Valor
Police Officer William S. Taylor	Silver Medal of Valor
Police Officer Michael F. Travis	Silver Medal of Valor
Inspector Vince Repetto	Bronze Medal of Valor
Police Officer William D. Canning	Bronze Medal of Valor
Police Officer Gordon G. Clark	Bronze Medal of Valor
Police Officer Richard A. Dalton	Bronze Medal of Valor
Police Officer James E. Drago	Bronze Medal of Valor
Police Officer James P. Gaan	Bronze Medal of Valor
Police Officer Mark Guglielmo	Bronze Medal of Valor

Police Officer Michael L. Hughes	Bronze Medal of Valor
Police Officer Russell Matli	Bronze Medal of Valor
Police Officer Dean H. Taylor	Bronze Medal of Valor
Inspector Innocente V. Cisneros	Meritorious Conduct Award
Retired Inspector John A. Wydler	Meritorious Conduct Award
Police Officer James E. Ludlow	Meritorious Conduct Award

(* Raised to Gold from Silver Medal of Valor by Police Commission vote on June 14, 1984)

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

HEARING OF RECRUIT OFFICER RORY MORAN, POLICE ACADEMY

The hearing of Police Recruit Officer Rory Moran, Police Academy, was called it having been set for this date. Recruit Officer Rory Moran was charged with violating the Rules and Procedures as follows:

CHARGE NO. 1

Failure to maintain qualifications required by law and by the job announcement (violation of Rule 8.01 of the Rules and Procedures of the San Francisco Civil Service Commission);

CHARGE NO. 2

Engaging in conduct which tends to subvert the good order efficiency and discipline of the Department and which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Police Recruit Officer Rory Moran appeared in person and was represented by John R. Conwell, Attorney at Law.

Mr. Jerry A. Akins, Attorney at Law, appeared on behalf of the San Francisco Police Department.

An opening statement was made by Mr. John Conwell, Attoney for the Defense.

The following named witnesses were called by the Prosecution were sworn, and testified:

Officer Lapthorne	California Highway Patrol Redwood City, California
Officer Neldson Acevedo	California Highway Patrol Redwood City, California
Criminalist Benny DelRe	San Mateo County

Mr. Jerry Akins requested of the Commission, to take official notice of court docket as presented in Exhibit #1

The following named witnesses were called by the Defense, were sworn and testified:

Ms. Linda Ledulf, 655 Miramonte, Half Moon Bay, CA.

Mr. Gilkey, 6995 Redwood Boulevard, Novato, CA

Criminalist Kenneth A. Nark, San Mateo, CA

The following exhibits were entered into evidence by the Prosecution:

Exhibit #1	Official Court Docket, Southern Judicial District, San Mateo County Redwood City, California, complaint filed 11/25/83.
Exhibit #2	City and County of San Francisco Employment Opportunity Announcement issued January 1982.

The following exhibits were entered into evidence by the Defense:

Exhibit A	One (1) Color Photo of rear of Physical Auto License 14527, Dealer Plates
Exhibit B	One (1) color photo of street in Redwood City leading into driveway.
Exhibit C	California Forensic Lab, Inc., 4-Page Report, dated June 14, 1984
Exhibit D	One (1) color photo of vehicle console
Exhibit E	One (1) color photo of interior of front seats of vehicle showing steering wheel and console
Exhibit F	One (1) color photo depicting roadway and stop sign at intersection, a great distance away.
Exhibit G	One (1) color photo of intersection depicting white "stop" in street and brush on right corner hiding arterial stop sign
Exhibit H	One (1) color photo of roadway depicting 7-11 Sign and commercial business with large letters "Youngs's".
Exhibit I	Medical Records from Kaiser Hospital dated 06/11/84 - regarding Recruit Officer Rory Moran.
Exhibit J	Police Academy Reports on Recruit Officer Rory Moran.
Exhibit K	San Mateo County O.R. Project Card - 01/04/84
Exhibit L	Jeffery Boyarsky, Attorney at Law Letter to Rory Moran, 12/06/83.

After listening to testimony from the above parties, attorneys for the Police Department and for the Defense presented their cases. Thereafter, Mr. Jerry Akins, presented a closing statement and Mr. John Conwell also submitted his closing statement.

The Commission took the matter under submission, recessed and returned, finding that Charges No. 1 and No. 2 are sustained.

Based on those findings the Commission requested a recommendation from Chief of Police Cornelius P. Murphy. It is the recommendation of the Chief of Police that Police Recruit Officer Rory Moran, Police Academy, be terminated.

The Commission again took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 632-84

DECISION - HEARING OF POLICE RECRUIT OFFICER RORY MORAN, POLICE ACADEMY

WHEREAS, on May 22, 1984 Cornelius P. Murphy, Chief of Police of the San Francisco Police Department, made and served charges against Police Recruit Officer Rory Moran, Police Academy as follows:

CHARGE NO. 1

Failure to maintain qualifications required by law and by the job announcement (violation of Rule 8.01 of the Rules and Procedures of the San Francisco Civil Service Commission);

(a) Rory M. Moran, Star 1358, was and is a probationary police officer appointed on February 27, 1984, employed by the San Francisco Police Department. Officer Moran was assigned to the Police Academy at the time of his arrest on May 15, 1984, however, he is now suspended from the Department pending hearing of the herein charges;

(b) As a police officer, Officer Moran (hereinafter, referred to as the accused) was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(c) On or about July 15, 1982, the accused completed a personal history statement which was updated on February 18, 1983;

(d) The personal history statement completed by the accused did not contain any information which would disqualify the accused from being a police officer under California law or under the terms of the employment announcement for the job of Q-2 Police Officer:

(e) The accused was appointed to the Police Department and started training at the Police Academy on February 27, 1984;

(f) On or about November 24, 1983, the accused was arrested for violation of Health and Safety Code 11350 (felony possession of a controlled substance) and violation of Vehicle Code 23152 (a) (driving while under the influence of an alcoholic beverage). The accused was subsequently also charged with violation of Vehicle Code 23152 (b) (driving a vehicle with more than 0.10 percent weight of alcohol in his blood) after his urine sample tested out at 0.13 percent by weight of alcohol in his blood;

(g) The law of the State of California in Government Code 1029 (a) prohibits the employment of a person who has been convicted of a felony;

(h) The Announcement of the Examination for Q-2 Police Officer states in part:

"The following are mandatory reasons for rejection or waiver if they occured within the past three years immediately prior to the date of the audiovisual test and extending to the time of appointment: drunk driving..."

(i) The accused, by possession a controlled substance and by violating Vehicle Code 23152 (a) and (b) has engaged in conduct which constitutes a violation of Rule 8.01 of the Civil Service Commission which states in pertinent part:

"Every applicant for entrance or promotional examination must possess and maintain the qualifications required by law and by the announcement of the examination for which applied."

CHARGE NO. 2

Engaging in conduct which tends to subvert the good order efficiency and discipline of the Department and which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

(a) Each and every allegation contained in paragraphs (a) through (h), inclusive, of Charge No. 1 is hereby realleged and incorporated herein as though set forth in full;

(b) On or about April 17, 1984, the accused was scheduled to appear in the Municipal Court for the County of San Mateo, Central Judical District in connection with the above alleged;

(c) The accused failed to appear in court on April 17, 1984 and a bench warrant issued for the arrest of the accused by reason of his failure to appear;

(d) On or about May 15, 1984, the accused was taken into custody and lodged in the County Jail based on execution of the warrant.

(e) The accused, by engaging in the conduct as alleged in Charge No. 1 above, of possessing a controlled substance and driving a vehicle in violation of Vehicle Code 23152 (a) and (b) and then failing to appear in court and causing a bench warrant to issue which resulted in his arrest, has engaged in conduct which tends to subvert the good order, efficiency or discipline of the Department and reflects discredit upon the (Department which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department or any member thereof or that is prejudicial to the efficiency and discipline of

the Department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was had before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, June 14, 1984, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Charges No. 1 and No. 2, as preferred by the Chief of Police against Police Recruit Officer Rory M. Moran, are sustained by the evidence presented, and the Commission adopt the language of said charges as set forth herein, as its findings in this matter; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the Public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department; the Commission orders that the following discipline be imposed;

CHARGES NO. 1 and NO. 2 TERMINATION
and be it further,

RESOLVED, that said termination, effective immediately, be, and the same is hereby affirmed and approved.

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

Recesses taken during the Hearing of Rory Moran:

11:41 p.m. to 11:47 p.m.
11:48 p.m. to 11:51 p.m.

(THE ENTIRE PROCEEDINGS WERE TAKEN IN SHORTHAND FORM BY MS. LINDA PRANSKY, CSR).

HEARING OF OFFICER DOUGLAS HANSEN, POTRERO STATION

RESOLUTION NO. 671-84

WHEREAS, the date to be set for the disciplinary hearing of Police Officer Douglas Hansen, Potrero Station, was called it having been set for this date; and

WHEREAS, it has been requested by Mr. Michael Gash, attorney for the San Francisco Police Department, that the matter be continued to June 21, 1984; therefore be it

RESOLVED, that the setting of the date for the hearing of the disciplinary charges filed against Police Officer Douglas Hansen, Potrero Station, is set for Thursday, June 21, 1984 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

HEARING OF OFFICER CLIFTON FOGARTY, POTRERO STATION.

RESOLUTION NO. 623-84

WHEREAS, the hearing of Police Officer Clifton F. Fogarty, Potrero Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Gregory Winters, Attonrey at Law, representing Officer Fogarty, that the date for the hearing before the Police Commission be set for June 21, 1984; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Clifton F. Fogarty, Potrero Station, is set for Thursday, June 21, 1984 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Hsieh Nelder
ABSENT: Commissioners Toler, Sanchez

THE MEETING WAS THEN ADJOURNED AT 1:00 AM

Willie E Frazier

LIEUTENANT WILLIE E. FRAZIER
SECRETARY
THE POLICE COMMISSION

THE POLICE COMMISSION MEETING OF JUNE 21, 1984
WAS CANCELLED

LIEUTENANT WILLIE E. FRAZIER
SECRETARY
THE POLICE COMMISSION

28 JUNE 1984 Executive Session 0809M

The Police Commission of the City and County of San Francisco met in their chambers. Room 512, Hall of Justice, 850 Bryant Street, at 1700 hours, in Executive Session.

PRESENT: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

1. Attorney-Client Conference

Commissioner Sanchez presiding.

28 JUNE 1984 REGULAR SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, at 1730 hours in Regular Session.

PRESENT: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

Commissioner Sanchez presiding.

RECOMMENDATION OF THE TRAFFIC BUREAU ON THE INSTALLATION OF ZONING FOR REGULATION OF TRAFFIC ON THE PUBLIC STREETS

1010 GOUGH ST "FAMILY SERVICE AGENCY OF S.F." GRANT

INSTALL, 22' Yellow Zone from 44' to 66' east of Gough Street.

1010 GOUGH ST "FAMILY SERVICE AGENCY OF S.F." GRANT

INSTALL, 22' White Zone from 22' to 44' east of Gough Street.

175 SCOTIA ST "SPICE OF LIFE CATERERS" GRANT

INSTALL, 22' Yellow Zone from the north property line 22' south on Scotia Street.

455 FRANKLIN ST "SAN FRANCISCO BALLET" GRANT

INSTALL, 22' Yellow Zone from 33' to 55' south of the north building line of 455 Franklin Street.

611 BROADWAY "COLUMBUS ITALIAN FOODS" DENY

REVOKE 22' Special Truck Loading Zone from 27' to 49' west of Grant Avenue on Broadway.
INSTALL, 22' White Zone from 27' to 49' west of Grant Avenue on Broadway.

98 SUTTER ST "S.F.P.D." REVOKE

REVOKE, 44' Yellow Zone from 6' to 60' west of east line of building.

398 TEHAMA ST "S.F.P.D." REVOKE

REVOKE, 54' Yellow Zone from 66' to 120' east of 5th Street.

398 TEHAMA ST "S.F.P.D." REVOKE

REVOKE 24, Yellow Zone from 20' to 48' east of 5th Street.

1720 CLAY ST "S.F.P.D." REVOKE

REVOKE 24' Yellow Zone 24' west of the east building line.

98 SUTTER ST "S.F.P.D." REVOKE

REVOKE, 66' Special Truck Loading Zone from 25' to 91' east of Montgomery Street.

REVOKED

RESOLVED, that the recommendation of the Traffic Bureau on the revocation of 234 feet of green, blue, yellow, and white zones at the parts of the City, at the locations submitted, be, and the same is hereby approved.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RECOMMENDATION OF THE CITY ATTORNEY FOR SETTLEMENT OF THE FOLLOWING CLAIMS AGAINST THE CITY AND COUNTY OF S.F.

RESOLUTION NO. 696-84

PRINCE LEE MATHEWS

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Prince Lee Mathews against the City and County of San Francisco in Superior Court Action No. 770-848 entitled, "Prince Lee Mathews vs. Joseph Weatherman, Officer Boyett, City and County of San Francisco, Does I through X, inclusive," in the sum of $5,000.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 18/19, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 698-84

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 7, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 698-84

ABC TOWING & STORAGE CO. (ALICE CURLEY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 8, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 699-84

ABC TOWING & STORAGE CO. (JOSEPH DILLARD)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 2, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 700-84

ARTHUR CASEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Arthur Casey against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 25, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 701-84

MICHAEL DONAHUE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael Donahue against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 30, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 702-84

WILLIAM GESTRICA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of William Gestrica against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 26, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 703-84

HAROLD GOETZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Harold Goetz against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 21, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 704-84

KATHLEEN REYERING

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kathleen Reyering against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 14, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 705-84

DEVORA ROSSMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Devora Rossman against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 21, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 706-84

SARAH SEITER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sarah Seiter against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 16, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 707-84

LELAND WAKAMATSU

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Leland Wakamatsu against the City and County of San Francisco in the sum of $106.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 18 & 31, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 708-84

KIT FONG YU

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kit Fong Yu against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 29, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 710-84

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 29, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 711-84

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 31, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 712-84

ANTHONY PRICE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Anthony Price against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 1, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 713-84

JOSEPHINE FLOYD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Josephine Floyd against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 7, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 714-84

MYRNA R. GARTH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Myrna R. Garth against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 7, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 715-84

VITUS & FLORENCE LEUNG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Vitus & Florence Leung against the City and County of San Francisco in the sum of $35.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 5, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 717-84

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 18, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 718-84

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $10.35 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 18, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 719-84

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 22, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 720-84

JUDITH BENOWITZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Judith Benowitz against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 11, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 721-84

RANDY BURKOWITZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Randy Burkowitz against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 11, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 722-84

KENNETH C. CANTAMOUNT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kenneth C. Cantamount against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 22, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 723-84

DARRYL E. COOKE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Darryl E. Cooke against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 21, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 724-84

DANN GARTNER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dann Gartner against the City and County of San Francisco in the sum of $34.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 17, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 725-84

DAVID HAUSS

RESOLVED, that the recommendation of the City Attorney for the settlement of the claim of David Hauss against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 21, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 726-84

HENRY JOHNSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Henry Johnson against the City and County of San Francisco in the sum of $11.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 16, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 727-84

LAHLOU KHAHID

RESOLVED, that the recommendation of the City Attorney for the settlement of the claim of Lahlou Khahid against the City and County of San Francisco in the sum of $56.70 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 24, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 728-84

JAMES LEE LAIDLAW

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James Laidlaw against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 21, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 729-84

ROBERT MIDDLETON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert Middleton against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 8, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 730-84

JANNIFER PENDER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jannifer Pender against the City and County of San Francisco in the sum of $43.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 16, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 731-84

REGINA ROHE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Regina Rohe against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 21, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 732-84

SANDRA KAYE ROSS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sandra Kay Ross against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 20, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 733-84

CAROL SANTOS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Carol Santos against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 24, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 734-84

DANILO J. VILLARINA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Danilo J. Villarina against the City and County of San Francisco in the sum of $64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 11, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 735-84

HERBERT CUEVAS

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Herbert Cuevas against the City and County of San Francisco in Small Claims Court Action No. 423-159 entitled "Herbert Cuevas vs. City and County of San Francisco," in the sum of $256.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 23, 1983

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 736-84

JEFFREY DOWNING

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jeffrey Downing against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 10, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 737-84

WILLIAM HUNT CONRAD, Jr.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of William Hunt Conrad, Jr., against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 3, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 738-84

ROBERT M. MILLER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert M. Miller against the City and County of San Francisco in the sum of $26.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 7, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

TRAVELING EXPENSE VOUCHERS

RESOLUTION NO. 751-84

RESOLVED, that the Traveling Expense Vouchers submitted by the following named members of the Police Department for attendance at the below indicated program, be, and the same are hereby approved:

Captain John Jordan)
Captain Thomas O'Donnell)
Lieutenant George Kowalski)
Lieutenant Frank Reed)
Sergeant Thomas Murphy)
Sergeant Edmund Pryal)

(Civil Liability Issues Seminar)
(Santa Rosa, CA)
(06/11/84)
($77.00 Each)

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 749-84

RESOLVED, that the Traveling Expense Vouchers submitted by the following named members of the Police Department for attendance at the below indicated program, be, and the same are hereby approved:

Officer Daniel McDonagh)
Officer Randolph Radosevich)
Officer Brett A. Higdon)

(FBI Rifle Marksmanship & Sniper School)
(Fort Ord, California)
(05/07/84 - 05/11/84)
($375.00 Each)

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 750-84

RESOLVED, that the Traveling Expense Vouchers submitted by the following named members of the Police Department for attendance at the below indicated program, be, and the same are hereby approved:

Officer Jeremiah Morgan)
Officer Reno Rapagnani)

(Explosive Ordnance Disposal Refresher Course
(Huntsville, Alabama
(05/20/84 - 05/25/84

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 756-84

RESOLVED, that the Traveling Expense Voucher submitted by the following named member of the Police Department for attendance at the below indicated program, be, and the same is hereby approved:

Captain Kenneth Foss

(Califirornia Peace Officers' Assn. 64th Training Conference
(Anaheim, California
(05/21/84 - 05/22/84
($339.00

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 757-84

RESOLVED, that the Traveling Expense Voucher submitted by the following named member of the Police Department for attendance at the below indicated program be, and the same is hereby approved:

Captain Vincent Senatore

(Terrorism Seminar
(Treasure Island
(06/12/84 - 06/14/84

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 758-84

RESOLVED, that the Traveling Expense Voucher submitted by the following named member of the Police Department for attendance at the below indicated program, be, and the same is hereby approved.

Captain Michael F. Lennon (Emergency Services Seminar
(Sacramento, California
(06/11/84 - 06/14/84

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

RESOLUTION NO. 753-84

RESOLVED, that the Traveling Expense Voucher submitted by the following named member of the Police Department for attendance at the below indicated program, be, and the same is hereby approved:

Lieutenant Robert Berry & 32 Field Training Officers (Field Training Officer Course
(Santa Cruz, California
(06/10/84 - 06/15/84

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

POLICE COMMISSION REPORT

The only report the Police Commission had was that an Executive Session was held for the purpose of an Attorney-Client Conference and no vote was taken.

CHIEF'S REPORT TO THE POLICE COMMISSION

Commissioner Jo Daly asked the Chief whether or not the Klu Klux Klan would be allowed to demonstrate at the Democratic National Convention. Chief Murphy replied that it was the Constitutional right of the KKK to make their views known, and added that there was sufficient security planned to handle any conflict that might arise from said demonstration.

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER THOMAS L. LOVRIN, TARAVAL STATION

Attorney John Prentice, representing Officer Thomas J. Lovrin, presented a written request to the Commission asking, the Commission to disqualify itself from the hearing of Officer Thomas Lovrin because he felt the Commission is likely to be prejudiced against said officer in the light of the conduct of other officers involved in the Rathskeller Incident. The Commission denied Attorney Prentice's request.

RESOLUTION NO. 739-84

POLICE OFFICER THOMAS J. LOVRIN, INGLESIDE STATION

WHEREAS, Charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Thomas J. Lovrin, Ingleside Station, as follows:

SPECIFICATION NO. 1

Engaging in conduct which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to answer questions asked by a superior truthfully and without evasion (violation of Rule A-21 of the General Order D-1 of the San Francisco Police Department).

by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Thomas J. Lovrin, Ingleside Station, is set for Thursday, July 5, 1984, at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER EDWARD RUPPENSTEIN, SOUTHERN STATION

WHEREAS, Charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Edward Ruppenstein, Southern Station, as follows:

SPECIFICATION NO. 1

Engaging in conduct which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to answer questions asked by a superior truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Officer Edward Ruppenstein, Southern Station, is set for Tuesday, July 31, 1984, at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER MICHAEL GARNER, CENTRAL STATION

RESOLUTION NO. 741-84

WHEREAS, Charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Michael Garner, Central Station, as follows:

CHARGE NO. 1

Failure to properly account for booked property of a prisoner while acting as Station Keeper (violation of Rule IV, B, 17 of General Order D-1 of the San Francisco Police Department);

CHARGE NO. 2

Engaging in conduct which subverts the good order, efficiency and discipline of the Department and which reflects discredit on the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

CHARGE NO. 3

Failure to answer truthfully and without evasion questions propounded by a superior officer (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Michael K. Garner, Central Station, is set for Thursday, July 26, 1984, at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Hsieh, Nelder,

SETTING OF DATE FOR HEARING OF POLICE OFFICER DOUGLAS HANSEN, POTRERO STATION

RESOLUTION NO. 742-84

WHEREAS, the date to be set for the disciplinary hearing of Police Officer Douglas Hansen, Potrero Station, was called it having been set for this date; and

WHEREAS, it has been requested by Mr. Michael Gash, Attorney for the San Francisco Police Department, that the matter be continued to July 5, 1984; therefore be it

RESOLVED, that the setting of the date for the hearing of the disciplinary charges filed against Police Officer Douglas Hansen, Potrero Station, is set for Thursday, July 5, 1984 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

PUBLIC HEARING IN REGARD TO DEPARTMENT GENERAL ORDER Z-2, "WARRANT ARRESTS" - APPROVED

RESOLUTION NO. 743-84

RESOLVED, that the Police Commission hereby approves Department General Order Z-2 regarding Warrant Arrests.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

PUBLIC HEARING IN REGARD TO GENERAL ORDER R-6, "MANDATORY BLOOD TESTS IN DRUNK DRIVING CASES."

RESOLUTION NO. 744-84

RESOLVED, that the Police Commission hereby approves Department General Order R-6, regarding Mandatory Blood Tests in Drunk Driving Cases.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

PUBLIC HEARING IN REGARD TO GENERAL ORDER D-12, "JUVENILE PROCEDURE"

Off Calendar.

DISCUSSION OF GENERAL ORDER B-4, "HELMET IDENTIFICATION"

Police Officers' Association President Croce Casciato, appeared and questioned General Order B-4, "Helmet Identification, in regard to the bold white letters displayed on the helmet, which he stated made the officers a too-easy target for attackers. A compromise was reached, whereby the helmets will be designated with gold numbers instead of white, thereby making the officer less of a target. Office of Citizens Complaints Director Eugene Swann, agreed to the gold insignia on the ground that the Department try it for six (6) months and see how the gold numbers affect the vulnerability of the officers.

RESOLUTION NO. 745-84

DEPARTMENT GENERAL ORDER B-4, "HELMET IDENTIFICATION"

RESOLVED, that the Police Commission hereby amends Department General Order B-4, Helmet Identifications, to read as follows:

B. Blue Helmets

1. Star numbers displayed in gold vinyl adhesive numbers in the helvetica style, two inches in height, with a stroke width of 1/4 inch, shall be affixed on both the left and right sides of the helmet, centered, approximately 1/4 inch above the top of the face shield. Multiple numbers shall be spaced 1/4 inch apart."

White Helmets

2. Lettering the same as above, except that the numbers shall be black vinyl.

Delete Sections B., 1. 2. 3. and Section C., 1. & 2. in General Order B-4, dated 05/05/84.

DISCUSSION OF GENERAL ORDER D-4, REGARDING SELECTION AND APPOINTMENT OF LICENSED HEALTH PROFESSIONALS FOR THE SUBSTANCE ABUSE EDUCATION COMMITTEE

In regard to the Selection and Appointment of Selected Health Professionals for the Substance Abuse Education Committee, it was agreed that three (3) would be hired, leaving a fourth position vacant in order to have one available in case it should be needed in the future.

Commission President David J. Sanchez, Jr. suggested that there should be no less than three (3) health professionals on the committee. The words "no less than three" be added to the wording in General Order D-4. President Sanchez also requested a copy of the named of the three chosen professionals be distributed to all the Commissioners.

HEARING OF THE REQUEST OF OFFICER MICHAEL MORRIS FOR A RECOMMENDATION FOR DISABILITY RETIREMENT

Request withdrawn by Officer Michael Morris. The matter is continued off calendar.

HEARING OF SERGEANT MICHAEL W. McNEILL, NORTHERN STATION

The hearing of Police Sergeant Michael McNeill, Northern Station, was called it having been set for this date, Police Sergeant Michael McNeill, was charged with violating the Rules and Procedures as follows:

CHARGE NO. 1

Failure to make written report of urgent police matter (violation of Rule A-26A of General Order D-1 of the San Francisco Police Department);

CHARGE NO. 2

Engaging in conduct which subverts the good order, discipline of, and reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

CHARGE NO. 3

Failure to answer questions truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

in a properly and verified complaint by George Eimil, Acting Chief of Police of the San Francisco Police Department.

Police Sergeant Michael McNeill appeared in person and was represented by Mr. Ralph Saltsman, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared as Prosecutor for the San Francisco Police Department.

An opening statement was made by Mr. Ralph Saltsman, Attorney for Sergeant Michael McNeill.

The Charges against Police Sergeant Michael McNeill were then read into the records.

The following named witnesses appeared for the Prosecution, were sworn and testified:

Lieutenant William Taylor	Management Control
Officer Michael Collins	Northern Station
Sergeant Layne Amiot	Northern Station
Sergeant Michael McNeill	Northern Station
Deputy Chief Richard Trueb	Administration

The following named witnesses appeared for the Defense, were sworn and testified:

Officer Kenneth Osgood	Northern Station
Mr. Anthony Silva (Owner)	Rathskeller Restaurant
Lieutenant Raymond Portue	Northern Station
Officer Antonio Parra	Northern Station
Officer Darrell Day	Northern Station

The following exhibits were entered into evidence by the Prosecution:

Exhibit #1	Letter from Attorney John Prentice to Attorney Jerry Akins, dated 04/26/84
Exhibit #2	Off-Setting Overtime Card of Sergeant Michael W. McNeill, dated 04/26/84
Exhibit #3	Copies of Off-Setting Overtime Cards of Officer Antonio T. Parra and Sergeant Michael McNeill, dated 04/26/84

The following Exhibits were entered into evidence by the Defense:

Exhibit A	Letters of Commendations/ Certificates given to Sergeant Michael McNeill

Closing statements were made by both Prosecuting and Defense Attorneys.

The Commission took the matter under submission, recessed and returned, finding that Charge No. 1 is not sustained. Charges No. 2 and No. 3 as clarified and amended are sustained.

Based on these findings, the Commission requested a recommendation from Chief of Police Cornelius P. Murphy. It is the recommendation of the Chief of Police that Police Sergeant Michael McNeill be suspended for 45 days for each Charge but given credit for time served which is approximately 58 days with the remaining 43 days to be imposed.

The Commission again took the matter under submission and the following resolution was adopted:

DECISION - HEARING OF POLICE SERGEANT MICHAEL W. McNEILL, NORTHERN STATION

WHEREAS, on May 9, 1984, George Eimil, Acting Chief of Police, made and served charges against Police Sergeant Michael McNeill, Northern Station.

CHARGE NO. 1

Failure to make written report of urgent police matter (violation of Rule A-26A of General Order D-1 of the San Francisco Police Department);

(a) At all times herein mentioned, Michael W. McNeill, Star 1975, (hereinafter referred to as "the accused"), was and is a Sergeant of Police employed by the San Francisco Police Department and assigned to Company E - Northern Station;

(b) As a Sergeant employed by the San Francisco Police Department, the accused was and is responsible for knowing and obeying the Rules, Orders, and Procedures of the San Francisco Police Department;

(c) On April 26, 1984, the accused was scheduled for duty on the Third Watch at Northern Station, 1500-2300 hours;

(d) At or about 1800 hours, the accused left Northern Station and went to the premises of the Rathskeller Bar and Restaurant (hereinafter referred to as the "Rathskeller") located at 600 Turk Street, in the City and County of San Francisco, State of California. The accused remained at the Rathskeller at least through the end of the Third Watch, i.e., through 2300 hours;

(e) While at the Rathskeller from approximately 1800 through 2100 hours, the accused was behind the bar serving drinks to persons attending a party organized and sponsored by the 156th Recruit Class;

(f) At approximately 2115 hours, one of the male members of the 156th Recruit Class was led to a stage in full view of the persons in the Rathskeller, handcuffed to a chair, and was orally copulated by a female alleged to be a prostitute;

(g) The accused, though denying that he witnessed the act of oral copulation described above, was informed and knew of he incident at or near the time it occurred and later discussed the incident with the two officers believed to be responsible for bringing the female to the Rathskeller to perform the act of oral copulation;

(h) The accused did not make any written report of the performance of an act of oral copulation on an apparently unwilling victim in a place open to the public;

(i) The accused, by failing to make a written report of the incident to his commanding officer, has engaged in conduct which constitutes a violation of Rule A-26A of General Order D-1 of the San Francisco Police Department which states:

"Members shall when <u>off-duty</u>, make a written report to their commanding officer of any <u>serious</u> crime or urgent police matter which is brought to their attention or in which the member becomes involved as a peace officer."

CHARGE NO. 2

Engaging in conduct which subverts the good order, discipline and efficiency of, and reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

(a) At all times herein mentioned, Michael W. McNeill, Star 1975, (hereinafter referred to, as "the accused"), was and is a Sergeant of Police employed by the San Francisco Police Department and assigned to Co. E - Northern Station;

(b) As a Sergeant employed by the San Francisco Police Department, the accused was and is responsible for knowing and obeying the Rules, Orders, and Procedures of the San Francsico Police Department;

(c) On April 26, 1984, the accused was scheduled for duty on the Third Watch at Northern Station, 1500-2300 hours;

(d) At or about 1800 hours, the accused left Northern Station and went to the premises of the Rathskeller Bar and Restaurant (hereinafter referred to as the Rathskeller") located at 600 Turk Street, in the City and County of San Francisco, State of California. The accused remained at the Rathskeller at least through the end of the Third Watch, i.e., through 2300 hours;

(e) While at the Rathskeller from approximately 1800 hours through 2100 hours, the accused was behind the bar serving drinks to persons attending a party organized and sponsored by the 156th Recruit Class;

(f) At approximately 2115 hours, one of the male members of the 156th Recruit Class was let to a stage in full view of the persons in the Rathskeller, handcuffed to a chair, and was orally copulated by a female alleged to be a prostitute;

(g) The accused, though denying that he witnessed the act of oral copulation described above, was informed and knew of the incident at or near the time it occurred and later discussed the incident with the two officers believed to be responsible for bringing the female to the Rathskeller to perform the act of oral copulation;

(h) The accused did not make any written report of the performance of an act of oral copulation on an apparently unwilling victim in a place open to the public;

(i) The accused on some day after the incident set forth above, prepared a San Francisco Police Department Form 320m "OFF-SETTING OVERTIME REQUEST" (hereinafter referred to as the "card"), requesting to be carried on "time" status for five hours, between the hours of 1800 hours and 2300 hours on April 26, 1984;

(j) The accused signed the name of Acting Lieutenant Layne Amiot, the Platoon Commander at Northern Station, on April 26, 1984, to the back of the card indicating approval, which card is an official record of the San Francisco Police Department;

(k) The signing of Acting Lieutenant Amiot's name to the back of the card was done without the prior knowledge of acquiescence of Acting Lieutenant Amiot;

(l) The accused, by failing to submit the request for offsetting overtime prior to absenting himself from duty, in signing Acting Lieutenant Amiot's name to the card without his knowledge or acquiescence, and by failing to take action regarding the incident described above, has engaged in conduct which subverts the good order, efficiency and discipline of the Department and reflects discredit on the Department, engaged in conduct unbecoming an officer, a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the Department or any member thereof or that is prejudicial to the efficiency and discipline of the Department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct and triable and punishable by the Board."

CHARGE NO. 3

Failure to answer questions truthfully and without evasion (violation of Rule A-21 of the San Francisco Police Department).

(a) At all times herein mentioned, Michael McNeill, Star 1975 (hereinafter referred to as "the accused"), was and is a Sergeant of Police employed by the San Francisco Police Department and assigned to Company E - Northern Station.

(b) As a Sergeant employed by the San Francisco Police Department, the accused was and is responsible for knowing and obeying the Rules, Orders, and Procedures of the San Francisco Police Department;

(c) The accused was interviewed regarding the incident of oral copulation referred to and other matters set forth hereinabove and in that connection was admonished regarding Rule A-21 of General Order D-1 of the San Francisco Police Department;

(d) The accused was evasive and failed to answer truthfully, questions propounded in connection with his possible involvement in, and knowledge of, the public act or oral copulation, his request for offsetting overtime, submission of the "card" requesting offsetting overtime, and actions he may have taken regarding investigation of the incident;

(e) The accused, by failing to answer truthfully and without evasion questions propounded relating to the incident of oral copulation, and matters concerning his request for offsetting overtime has engaged in conduct which obstructed the investigation of the aforesaid incident and constitutes a violation of Rule A-21 of General Order D-1 of the San Francisco Police Department which states:

"Members shall, when questioned on matters relating to their employment with the police department by a superior officer or by one designated by a superior officer for this purpose, answer all questions truthfully and without evasion. Prior to being asked to respond to the questions, the member shall be advised of and afforded all his/her civil and employee rights as provided at that time by law or contractual agreement".

and

WHEREAS, a hearing on said Charges was had before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, June 28, 1984, and on Thursday, June 28, 1984, the matter was submitted to the Police Commission for decision; and

WHEREAS, The Police Commission finds that the said Charges made and filed against Police Sergeant Michael McNeill as contained in Charge No. 1, violation of Rule A-26A of General Order D-1 of the San Francisco Police Department are not sustained by the evidence submitted at the hearing; and

WHEREAS, the Commission finds that the allegations contained in Charge No. 2, violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, are clarified and amended as follows, and are sustained by the evidence submitted at the Hearing:

CHARGE NO. 2

Engaging in conduct which subverts the good order, discipline and efficiency of, and reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

Whereas, at all times herein mentioned, Michael McNeill, Star 1975 (hereinafter referred to as "the accused", was and is a Sergeant of Police employed by the San Francisco Police Department and asigned to Company E - Northern Station; and

Whereas, as a Sergeant employed by the San Francisco Police Department, the accused was and is responsible for knowing and obeying the Rules, Orders and Procedures of the San Francisco Police Department;

Whereas, at or about 1800 hours, the accused left Northern Station and went to the premises of the Rathskeller Bar and Restaurant (hereinafter referred to as the "Rathskeller") located at 600 Turk Street, in the City and County of San Francisco, State of California. The accused remained at the Rathskeller at least through the end of the Third Watch, i.e., through 2300 hours; and

Whereas, while at the Rathskeller from approximately 1800 hours through 2100 hours, the accused while off-duty status, was behind the bar serving drinks to persons attending a party organized and sponsored by the 156th Recruit Class; and

Whereas, at approximately 2115 hours, one of the male members of the 156th Recruit Class was led to a stage in full view of the persons in the Rathskeller, handcuffed to a chair, and was orally copulated by a female alleged to be a prostitute; and

Whereas, the accused, though denying that he witnessed the act of oral copulation described above, was informed and knew of the incident at or near the time it occurred and later discussed the incident with the two officers believed to be responsible for bringing the female to the Rathskeller to perform the act of oral copulation; and

Whereas, the accused did not make any written report; and

Whereas, the accused on some day after the incident set forth above, prepared a San Francisco Police Department Form 320, "OFFSETTING OVERTIME REQUEST" (hereinafter referred to as the "card"), requesting to be carried on "time" status for five hours, between the hours of 1800 hours and 2300 hours on April 26, 1984; and

Whereas, the accused signed the name of Acting Lieutenant Layne Amiot, the Platoon Commander at Northern Station on April 26, 1984, to the back of the card indicating approval, which card is an official record of the San Francisco Police Department; and

Whereas, the signing of Acting Lieutenant Amiot's name to the back of the card was done without the prior knowledge or acquiesce of Acting Lieutenant Amiot; and

Whereas, in signing Acting Lieutenant Amiot's name to the card without his knowledge or acquiescence, and by failing to take action regarding the incident described above, has engaged in conduct which subverts the good order, efficiency and discipline of the Department and reflects discredit on the Department, engaged in conduct unbecoming an officer, a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

> "Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department or any member thereof or that is prejudicial to the efficiency and discipline of the Department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

and

Whereas, the Commission finds that the allegations contained in Charge No. 3, violation of Rule A-21 of General Order D-1 of the San Francisco Police Department, are clarified and amended as follows, and are sustained by the evidence presented at the Hearing:

CHARGE NO. 3

Failure to answer questions truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

Whereas, at all times herein mentioned, Michael McNeill, Star 1975, (hereinafter referred to as "the accused"), was and is a Sergeant of Police employed by the San Francisco Police Department and assigned to Company E - Northern Station; and

Whereas, as a Sergeant employed by the San Francisco Police Department, the accused was and is responsible for knowing and obeying the Rules, Orders and Procedures of the San Francisco Police Department;

The accused was interviewed regarding the incident of oral copulation referred to and other matters set forth hereinabove and in the connection was admonished regarding Rule A-21 of General Order D-1 of the San Francisco Police Department;

The accused was evasive and failed to answer truthfully questions propounded in connection with his possible involvement in, and knowledge of, the public act of oral copulation, his request for offsetting overtime, the submission of the "card" requesting offsetting overtime, and actions he may have taken regarding investigation of the incident;

The accused, by failing to answer truthfully and without evasion, therefore it is a violation of Rule A-21 of General Order D-1 of the San Francisco Police Department which states:

"Members shall, when questioned on matters relating to their employment with the police department by a superior officer or by one designated by a superior officer for this purpose, answer all questions, truthfully and without evasion. Prior to being asked to respond to the questions the member shall be advised of and afforded all his/her civil and employee rights as provided at that time by law or contractual agreement.";

therefore be it;

RESOLVED, that The Commission finds that the allegations contained in amended Charges No. 2 and No. 3 preferred by the Chief of Police against Police Sergeant Michael W. McNeill are sustained by the evidence presented and said Charges are adopted as its findings in this matter; and be it further

RESOLVED, that based on these findings, consistant with the Commission's duty to protect the health, safety and general welfare of the Citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders that the following discipline be imposed:

Charge No. 2 [penalty] 60 calendar days
Charge No. 3 [penalty] 60 calendar days

and be it further;

RESOLVED, that said suspension totaling 120 calendar days, minus 58 days credit for suspension time already served, shall commence on Friday, June 29, 1984 at 0001 hours and end on Wednesday, August 29, 1984 at 2400 hours.

(THE ENTIRE PROCEEDINGS WERE TAKEN IN SHORT-HAND FORM BY MS. LINDA PRANSKY, CSR.)

Recesses taken during the hearing of Sergeant Michael McNeill

8:44 p.m. to 9:04 p.m.
10:58 p.m. to 11:10 p.m.
1:30 a.m. to 2:05 a.m.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

HEARING OF OFFICER EDWARD L. WALDORPH, MUNI TRANSIT

RESOLUTION NO. 746-84

WHEREAS, the Hearing of Police Officer Edward L. Waldorph, MUNI Transit Police, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Michael E. Gash, Attorney for the San Francisco Police Department, that the date for the hearing before the Police Commission be set for Thursday, August 9, 1984; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Edward L. Waldorph, MUNI Transit Police, is set for Thursday, August 9, 1984 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

HEARING OF OFFICER SEVERO N. FLORES, INGLESIDE STATION

RESOLUTION NO. 747-84

The Hearing of Police Officer Severo N. Flores, Ingleside Station, was called it having been set for this date. Police Officer Severo Flores was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Withholding material facts from a civil service application (violation of Rule 8.06 of the Civil Service Rules of the City and County of San Francisco);

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

and

WHEREAS, The Police Commission in concurrence with Chief of Police, Cornelius P. Murphy, agreed to continue the matter off-calendar; therefore be it

RESOLVED, that the Charges filed against Police Officer Severo N. Flores, Ingleside Station, be, and the same is hereby continued off-calendar.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

HEARING OF OFFICER CLIFTON F. FOGARTY, POTRERO STATION

RESOLUTION NO. 748-84

WHEREAS, the hearing of Police Officer Clifton F. Fogarty, Potrero Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Gregory Winters, Attorney at Law, representing Officer Fogarty, that the date for the hearing before the Police Commission be set for August 9, 1984; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Clifton F. Fogarty, Potrero Station, is set for Thursday, August 9, 1984 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Hsieh, Nelder, Sanchez

THE MEETING WAS THEN ADJOURNED AT 2:45 A.M.

Willie E. Frazier

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

5 JULY 1984 Executive Session W/0798M

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Thursday, July 5, 1984 at 1700 hours in an Executive Session.

PRESENT: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

1. Personnel matter.

Commissioner Sanchez presiding.

5 JULY 1984 Regular Session

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, July 5, 1984 at 1730 hours in Regular Session.

PRESENT: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

PRESENTATION OF MEDALS OF VALOR AND CERTIFICATES

Commissioner David J. Sanchez, Jr., President of The Police Commission, stated to the many members and their families who were present that he was happy to see them all for such a glorious occassion and then commenced explaining the procedures involved in arriving at the selection of the officers who are being honored today. Commissioner Sanchez then called upon Commissioner Thomas Hsieh who Chaired the Awards Committee Meeting to say a few words.

Commissioner Hsieh, who Chaired the Awards Committee Meeting said he hoped the presentation of these Awards would reassure the public regarding the type of honest, reliable and trustworthy police officers that are now serving the City and County of San Francisco. He said the Police Department has been faced with some traumatic experiences by personnel in the past weeks but when compared to the good works that this Police Department and those members have done over the years, the public knows that they have an outstanding police department. In addressing the Awards Recipients, he assured them that they had gone beyond the call of duty and once again reiterated, that for the public's information, most of the San Francisco Police Force is comprised of officers like those present here tonight.

Commissioner Toler echoed the statements of Commissioner Hsieh and thanked all of the members for their good work and congratulated the family members who were present for their continuing support of the officers. The Awards were then presented as follows:

Officer Jay K. Dowke	Gold Medal
Lieutenant Raymond C. Minkel, Jr.	Silver Medal
Sergeant James B. Hall	Silver Medal
Police Chaplain Rev. John P. Heaney...	Silver Medal
Officer Thomas R. Argo	Silver Medal
Officer Richard W. Barber	Silver Medal
Officer Larry P. Barsetti	Silver Medal
Officer John R. Chestnut	Silver Medal
Officer John P. Fewer	Silver Medal
Officer Edmund L. Garcia	Silver Medal

Officer James S. Gervasi ..... Silver Medal
Officer Richard M. Huddleston ..... Silver Medal
Officer Charles J. Keohane ..... Silver Medal
Officer Officer Mitchell E. Lang ..... Silver Medal
Officer Frank McDonagh ..... Silver Medal
Officer Dennis A. Meixner ..... Silver Medal
Officer Edward P. O'Toole ..... Silver Medal
Officer Frank A. Palma ..... Silver Medal
Officer Mark A. Potter ..... Silver Medal
Officer Lawrence H. Ratti ..... Silver Medal
Officer George S. Stasko, II ..... Silver Medal
Officer William S. Taylor ..... Silver Medal
Officer Michael F. Travis ..... Silver Medal
Inspector Vince P. Repetto ..... Bronze Medal
Officer Willian D. Canning ..... Bronze Medal
Officer Gordon G. Clark ..... Bronze Medal
Officer Richard A. Dalton ..... Bronze Medal
Officer James E. Drago ..... Bronze Medal
Officer James P. Gaan ..... Bronze Medal
Officer Mark Guglielmo ..... Bronze Medal
Officer Michael L. Hughes ..... Bronze Medal
Officer Russell Matli ..... Bronze Medal
Officer Dean H. Taylor ..... Bronze Medal
Inspector Innocente V. Cisneros .. Meritorious Award
Inspector John A. Wydler ..... Meritorious Award
Officer James E. Ludlow ..... Meritorious Award
Officer Thomas J. Vellone ..... Meritorious Award

APPROVAL OF CONSENT CALENDAR

RECOMMENDATION OF THE TRAFFIC BUREAU ON THE INSTALLATION OF ZONING FOR THE REGULATION OF TRAFFIC ON THE PUBLIC STREETS

50 POST ST "OLD POODLE DOG" GRANT

50 Post Street, at Sutter (Kearny) Streets, INSTALL 28' Special White Zone from 156' to 184' east of Kearny Street. 6 pm to 2 am.

1303 FOLSOM ST "V.B.I. INCORPORATED" GRANT

322 9th Street, at Folsom Street, INSTALL 32' Yellow Zone from 14' to 46' north of the south building line of 1303 Folsom Street. (Takes care of two loading doors)

355 BAYSHORE BLVD. "PACIFIC SUPPLY" GRANT

355 Bayshore Boulevard, INSTALL 34' Yellow Zone from 38' to 72' south of the north property line.

926 STOCKTON ST "HOLY FAMILY PARISH CHURCH" GRANT

926 Stockton Street, INSTALL 22' Special White Zone from 10' to 32' south of the north property line. Install sign on Meter STO 914, SUNDAY 9 am to 1 pm.

2048 POLK ST "BROADWAY HOTEL" REVOKE/GRANT

2048 Polk Street, REVOKE 22' Yellow Zone from 84' to 106' south of Broadway on Polk Street, (Install Meter). INSTALL 40' Special Truck Loading Zone from 20' to 60' south of Broadway on Polk Street. Remove Meter 2038 & 2034.

615 SACRAMENTO ST "JACKS RESTAURANT" GRANT

615 Sacramento Street, INSTALL 21' White Zone from 115' to 136' west of Montgomery on Sacramento Street. Remove Meter #613.

629 POST ST "SHELDON HOTEL" REVOKE

REVOKE 24' White Zone from 63' to 87' east of Shannon Street.

2740 HYDE ST "AMERICAN FOREST CORP." REVOKE

REVOKE 28' of 50' Yellow Zone from 62' to 90' south of north building line. Repaint 22' Yellow Zone from 40' to 62' south of north building line.

1798 39th AV "S.F.P.D." REVOKE

REVOKE 45' Yellow Zone from south property line 45' north.

101 RICHLAND ST "S.F.P.D." REVOKE

REVOKE 40' Green Zone from 6' to 46' east of Mission Street.

63 PINE ST "S.F.P.D." REVOKE

REVOKE 45' Yellow Zone from 6' to 51' southeast of Front Street.

10 FRONT ST "S.F"P.D." REVOKE

In Front of 98 Front Street, REVOKE 36' Yellow Zone from 6' to 42' south of Pine Street.

10 FRONT ST "S.F.P.D." REVOKE

REVOKE 62' Yellow Zone from 25' to 87' north of Market Street property line.

1300 MASON ST "S.F.P.D." REVOKE

REVOKE 60' Yellow Zone from 18' to 78' north of Jackson Street.

1301 MASON ST "S.F.P.D." REVOKE

REVOKE 40' of existing Yellow Zone from 6' to 46' north of Jackson Street. REPAINT remaining 20' Yellow Zone from 46' to 66' north of Jackson Street.

1369 MASON ST "S.F.P.D." REVOKE

REVOKE 30' Yellow Zone from 13' to 43' south of Pacific Avenue.

1300 MASON ST "S.F.P.D." REVOKE

REVOKE 20' Green Zone from 78' to 98' north of Jackson Street.

183-185 STEUART ST "S.F.P.D." REVOKE

REVOKE 15' Yellow Zone to extend in between the driveways.

REVOKED

RESOLVED, that the recommendation of the Traffic Bureau on the revocation of 467 feet of green, blue, yellow, and white zones at the parts of the City, at the locations submitted be, and the same are hereby approved.

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

RECOMMENDATION OF THE CITY ATTORNEY FOR SETTLEMENT OF THE FOLLOWING CLAIMS AGAINST THE CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. 759-84

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 10. 1984

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

RESOLUTION NO. 760-84

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $76.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 13, 1984

AYES: Commissioners Toler. Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

RESOLUTION NO. 761-84

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 8, 1984

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

RESOLUTION NO. 762-84

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco, in the sum of $64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 13, 1984

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

RESOLUTION NO. 763-84

NIKOO AFRASIABI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Nikoo Afrasiabi against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 26, 1984

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

RESOSLUTION NO. 764-84

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kenneth Gardels against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be and the same is hereby approved.

Date of Incident: May 11, 1984

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

RESOLUTION NO. 765-84

KEVIN LAKE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kevin Lake against the City and County of San Francisco in the sum of $35.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 1, 1984

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

RESOLUTION NO. 766-84

RUDOLF MARX

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rudolf Marx against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 16, 1984

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

RESOLUTION NO. 767-84

FLORENCE McNEELY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Florence McNeely against the City and County of San Francisco in the sum of $64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 22, 1984

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

RESOLUTION NO. 768-84

MONIQUE SAUL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Monique Saul against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 18, 1984

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

RESOLUTION NO. 769-84

VOLKER SCHUST

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Volker Schust against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 18, 1984

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

RESOLUTION NO. 770-84

MARY JANE SHANK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mary Jane Shank against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 9, 1984

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

RESOLUTION NO. 771-84

GEORGE F. WILLIAMS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of George F. Williams against the City and County of San Francisco in the sum of $35.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 15, 1984

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

RESOLUTION NO. 772-84

CONSTANCE WYATT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Constance Wyatt against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 28, 1984

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

RESOLUTION NO. 773-84

YELLOW CAB CO-OP, INC.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Yellow Cab CO-OP, Inc. against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 16, 1984

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

RESOLUTION NO. 774-84

LAMONT C. HENDERSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lamont C. Henderson against the City and County of San Francisco in the sum of $11.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 17, 1984

AYES; Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

RESOLUTION NO. 775-84

LIBBY O'HARE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Libby O'Hare against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 21, 1984

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

RESOLUTION NO. 776-84

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 4, 1984

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

RESOLUTION NO. 777-84

ZAJICEK VLASTIMIL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Zajicek Vlastimil against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 25, 1984

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

RESOLUTION NO. 778-84

EDDIE CHAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Eddie Chan against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 14, 1984

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

RESOLUTION NO. 779-84

GARY HUGHES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gary Hughes against the City and County of San Francisco in the sum of $20.70 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 29, 1984

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

TRAVELING EXPENSE VOUCHERS

RESOLUTION NO. 780-84

RESOLVED, that the Traveling Expense Voucher submitted by the following named member of the Police Department for attendance at the below indicated program, be, and the same is hereby approved:

Sergeant Michael Pera $800.00 (FBI National Academy
(Quantico, Virginia
(04/01/84 - 06/15/84

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

RESOLUTION NO. 781-84

RESOLVED, that the Traveling Expense Vouchers submitted by the following named members of the Police Department for attendance at the below indicated program, be, and the same is hereby approved.

Officer Lorin Dubour $659.99 (Advanced Field Evidence
Officer Gerald Schmidt $659.99 Technician Course
(Long Beach, California
(05/20/84 - 05/21/84

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

RESOLUTION NO. 783-84

RESOLVED, that the Traveling Expense Voucher submitted by the following named member of the Police Department for attendance at the below indicated program, be, and the same is hereby approved.

Sergeant Thomas Greene $75.00 (Terrorism Seminar
(Treasure Island, Calif.
(06/12/84 - 06/14/84

RESOLUTION NO. 784-84

RESOLVED, that the Traveling Expense Voucher submitted by the following named member of the Police Department for attendance at the below indicated program, be, and the same is hereby approved.

Captain Kenneth Foss $726.00 (Executive Development Course (Pamona, California (04/08/84 - 04/20/84

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

POLICE COMMISSION REPORT

No Report, except, The Commission met in an Executive Session on a Personnel Matter and no vote was taken.

CHIEF'S REPORT TO THE POLICE COMMISSION

No Report.

RESOLUTION NO. 754-84

REQUEST OF OFFICER BRIAN M. D'ARCY, TACTICAL DIVISION, FOR PERMISSION TO ACCEPT A REWARD IN THE AMOUNT OF $75.00 FOR THE APPREHENSION OF A U.S. NAVY DESERTER

RESOLVED, that the request of Police Officer Brian M. D'Arcy for permission to accept the reward of $75.00 for the apprehension of a United States Navy deserter, be, and the same is hereby approved.

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

SETTING OF DATE FOR HEARING OF OFFICER DOUGLAS HANSEN, POTRERO STATION

RESOLUTION NO. 755-84

WHEREAS, the date to be set for the disciplinary hearing of Police Officer Douglas Hansen, Potrero Station, was called it having been set for this date; and

WHEREAS, it has been requested by Mr. Michael E. Gash, Attorney for the San Francisco Police Department, that the matter be continued to Thursday, July 12, 1984; therefore be it

RESOLVED, that the setting of the date for the hearing of the disciplinary charges filed against Police Officer Douglas Hansen, Potrero Station, is set for Thursday, July 12, 1984, at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

HEARING OF OFFICER JAMES STOKES' REQUEST FOR A RECOMMENDATION FOR DISABILITY RETIREMENT

Continued one week for Hearing.

THE MEETING WAS THEN ADJOURNED AT 1850 HOURS

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

12 JULY 1984 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Thursday, July 12, 1984 at 1630 hours in Executive Session.

PRESENT: Commissioners Nelder, Toler, Daly, Hsieh
ABSENT: Commissioner Sanchez

1: Attorney-Client Conference.

Commissioner Nelder presiding.

12 JULY 1984 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, July 12, 1984 at 1730 hours in Regular Session.

PRESENT: Commissioners Nelder, Toler, Daly, Hsieh
ABSENT: Commissioner Sanchez

APPROVAL OF CONSENT CALENDAR

RECOMMENDATION OF THE CITY ATTORNEY FOR SETTLEMENT OF THE FOLLOWING CLAIMS AGAINST THE CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. 790-84

HOME DISCOUNT HEATING AND AIR CONDITIONING, INC.

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Home Discount Heating and Air Conditioning, Inc. against the City and County of San Francisco in Municipal Court Action No. 829-614 entitled "Home Discount Heating and Air Conditioning, Inc. vs."City and County of San Francisco," in the sum of $2,100.00 be, and the same is hereby approved.

Date of Incident: May 21, 1981

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 791-84

LONG HUNG LUONG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Long Hung Luong against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 18, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 792-84

JOHANNA SULLIVAN

RESOLVED, that the recommmendation of the City Attorne for settlement of the claim of Johanna Sullivan against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 18, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 793-84

JACQUELINE MATHERN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jacqueline Mathern against the City and County of San Francisco in the sum of $75.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 8, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 794-84

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 11, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 795-84

ABC TOOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 11, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 796-84

GENE O. DUBOIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gene O. Dubois against the City and County of San Francisco in the sum of $64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 7, 1984

AYES: Commissioners Daly, Toler, Hsieh,
ABSENT: Commioner Sanchez

RESOLUTION NO. 797-84

LUXOR CABS, INC.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Luxor Cabs, Inc. against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 14, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 798-84

LYNN M. PALMER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lynn M. Palmer against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 14, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 799-84

DOLORES HEIGHTS PROPERTIES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dolores Heights Properties against the City and County of San Francisco in the sum of $173.19 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 9, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 800-84

LES GATES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Les Gates against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 2, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 801-84

KAREN O'NEILL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Karen O'Neill against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 12 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 802-84

JEANNE S. PETERSEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jeanne S. Petersen against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 5. 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 803-84

SUSAN SHORS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Susan Shors against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 5, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 804-84

MAKHAN SINGH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Makhan Singh against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 5, 1984

AYES: Commissioners Daly, Toler, Hseih, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 805-84

DAVID A. MOGCK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mogck against the City and County of San Francisco in the sum of $64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 1, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 806-84

EMMA LOBANO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Emma Lobano against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date on Incident: June 5, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 807-84

KAY HOXTER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kay Hoxter against the City and County of San Francisco in the sum of $53.25 as the result of a fautlty tow, be, and the same is hereby approved.

Date of Incident: June 8, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 808-84

KARIN LOUISE POLLI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Karin Louise Polli against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 7, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 809-84

MENWELL R. SIMMONS

RESOLVED, that the recommendation of the City Attorney for settlement of the cliam of Menwell R. Simmons against the City and County of San Francisco in the sum of $68.40 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 14, 1984

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

POLICE COMMISSION REPORT

Commissioner Hsieh inquired of the Chief as to what has happened with the investigation into the killing of the Chinese Americans. He said two months ago a reward was given and that the Department has a good lead on the suspect and he would like a status report on it before too long. Chief Trueb sitting in for Chief Murphy said that he recalled the incident but that he would have to check with Deputy Chief Lordan to find out exactly what progress has been made.

Commissioner Nelder said he had a couple letters that he would like to call to the Department's attention which has to do with the United Nations Plaza in the 1100 block of Market Street. He said the group that used to frequent the park on 6th Street that is now closed has moved to the United Nations Plaza, He said judging by the businessmen's and Merchants letters the conduct of these people is almost intolerable. He said when he told the Chief about the situation a week or so ago he said he would form a task force. Commi sioner Nelder said that the Chief should also include the Community Relations People along with the Captain of the Southern Station so that steps may be taken to move the people into an area that is more acceptable. He then presented letters to be distributed to the Commission and other administrators involved. He then gave another letter to Officer Lamont Suslow from an anonymous person who complained about the issuance of a taxi permit to a part by the name of Correll. Officer Suslow said he would look into it and report back to the Commission.

Commissioners met in Executive Session in accordance to the Brown Act and no vote was taken.

CHIEF'S REPORT TO THE POLICE COMMISSION.

Deputy Chief Trueb said the Chief asked him to advise the Commission that the Chief had gone home ill at about 5:00 PM and asks that he be excused.

SETTING OF DATE FOR HEARING OF OFFICER DOUGLAS HANSEN, POTRERO STATION.

Mr. Michael Gash representing the Department said that this is a matter that has been with the Commission for a long time and there are only three Commissioners eligible to sit and hear this case. Commissioners Daly, Toler and Sanchez and a date is needed to be set as to when these Commissioners are available to hear it. It was decided that those named Commissioners, as soon as Dr. Sanchez returns to the city, will be polled and a date obtained to complete this hearing.

HEARING OF OFFICER JAMES STOKES' REQUEST FOR A RECOMMENDATION FOR DISABILITY RETIREMENT.

Mike Hebel representing Officer Stokes said that he had learned something that makes this hearing request a little bit unusual. He said Officer Skokes had petitioned the Commission to retire him under the light duty policy but one of the requirements of the Policy is that the Department be up to 97% of full strength which at this time is is only 96% and will not be above that until July 30th when the next recruit class comes in. He said however, since the matter had been continued on and off for several months since the time the Officer first filed, which at such time the Department was at 97% of its strength, so he would ask that the Commission to consider the time that Officer Stokes filed his petition in that it was done within the correct percentile time factor. He said Officer Stokes does still wish to bring his petition before the Commission and has submitted to Lieutenant Frazier the medical reports of his medical condition. After further discussion the Commission decided to put this matter over until at such time the Department is brought up to 97% of its authorized strength.

RESOLUTION NO. 811-84

HEARING OF THE REQUEST OF OFFICER JAMES L. STOKES' REQUEST FOR RECOMMENDATION FOR DISABILITY RETIREMENT

WHEREAS, on April 24, 1984, pursuant to Police Commission Resolution No. 979-82, (Light Duty Policy) a petion on behalf of Police Officer James L. Stokes, Investigations, was submitted by Police Officers' Association Attorney Michael S. Hebel, requesting that Officer James L. Stokes be retired; and

WHEREAS, the Police Commission placed the matter on Commission calendar on May 3, 1984 for consideration and hearing; and

WHEREAS, hearing on said matter was held before the Police Commission on Thursday, May 3, 1984, Thursday, June 14, 1984 and Thursday, July 12, 1984 and on Thursday, July 12, 1984 the Commission took the matter under submission; and

WHEREAS, it has been brought to the attention of the Police Commission that in accordance with the Light Duty Policy the request for recommendation for disability retirement should only be taken into con-

sideration when the San Francisco Police Department uniform strength has reached 97%; and

WHEREAS, the records submitted by Sergeant Jesse Brown regarding Police Department current complement of personnel indicate department strength at only 95.9%; therefore be it

RESOLVED, that the hearing of Officer James L. Stokes' request for a recommendation for disability retirement will be contained until at such time the Police Department reaches 97% complement of uniformed members.

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

NOTIFICATION AND FILING OF CHARGES AGAINST OFFICER NICANOR GUERRA, RICHMOND STATION.

RESOLUTION NO. 788-84

POLICE OFFICER NICANOR E. GUERRA, RICHMOND STATION

WHEREAS, Charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Nicanor E. Guerra, Richmond Station, as follows:

CHARGE NO. 1

Failure to prevent crime while off duty (violation of Rule A-2 of General Order D-1 of the San Francisco Police Department);

CHARGE NO. 2

Engaging in conduct which subverts the good order, efficiency of, and reflects discredit upon, the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

by Cornelius P. Murphy, Chief of Police of the San Francisc Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Nicanor E. Guerra, Richmond Station, is set for Thursday, July 26, 1984 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

NOTIFICATION AND FILING OF CHARGES AGAINST OFFICER NICKOLAS M. REPOVICH, SOUTHERN STATION

RESOLUTION NO. 787-84

POLICE OFFICER NICKOLAS M. REPOVICH, SOUTHERN STATION

WHEREAS, Charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Nickolas M. Repovich, Southern Station, as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department and which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

by Cornelius P. Murphy, Chief of Police of the San Francisco Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Nickolas M. Repovich, Southern Station, is set for Wednesday, August 8, 1984 at 1400 hours in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

NOTIFICATION AND FILING OF CHARGES AGAINST OFFICER MICHAEL F. O'NEILL, SOUTHERN STATION.

RESOLUTION NO. 789-84

POLICE OFFICER MICHAEL F. O'NEILL, SOUTHERN STATION

WHEREAS, Charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Michael F. O'Neill, Southern Station, as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department and which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Michael F. O'Neill, Southern Station, is set for Thursday, August 9, 1984 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

HEARING OF THE COMPLAINT FILED BY THE PERMIT BUREAU AGAINST MR. JUGO R. SOTO, ASKING FOR THE REVOCATION OF HIS JITNEY BUS OWNER PERMIT.

Officer L. Suslow advised the Commission that on its June 13th meeting they asked the staff to prepare a detailed report which was done and forwarded to the Commission. He then reviewed the report with the Commissioners and thereafter said the Department's recommendation remains to revoke the permit.

Mr. Joel Marsh, Attorney for the Jitney Owners Association and also for Mr. Soto stated that there has been a lack of communication between the parties. He said one could certainly see the Department's concern over what has occurred here. He then responded to the Department's charges and submitted mitigating evidence to each. He called Mr. Soto to the stand, had him sworn, and Mr. Soto presented testimony in his own behalf. Mr. Marsh also placed into evidence an original copy of a letter from a Mr. Charles which stated that Mr. Charles was in arrearage to Mr. Soto and thought by writing his first letter to the Department saying that he was not driving he would somehow get out from under having to pay Mr. Soto what he owed him. Mr. Marsh said the first letter that Mr. Charles

had written to the Department is attached to this second letter. After the completion of Mr. Soto's testimony Mr. Marsh called Mr. Frank Mastro, Pacific Risk Ins. Services. Mr. Mastro testified that as far as insurance coverage was concerned that Mr. Soto was fully covered during the time in question and presently with his company. Mr. Marsh then called Mr. Peter Csobpanics, who was a driver for Mr. Soto. After listening to all of the above, the Commission then took a five minute recess and returned with a unanimou decision that the Department had sustained its case. However, Commissioner Nelder said that the Commission would give Mr. Soto another chance. He said the Commission is issuing to him a 30 day suspension and after that they expect him to have everything in order and to conduct himself as a ligitmate owner and over seer of the conduct of his permit in any activities that he may have with this department. He said future conduct of a nature of what has been heard at the meeting this evening, he said, shall definitely require a revocation of Mr. Soto's permit.

RESOLUTION NO. 812-84

JITNEY BUS LICENSE AND/OR PERMIT - SUSPENDED

WHEREAS, Mr. Jugo R. Soto holds Jitney Bus Owner Permit No. 99 for the Mission Street route; and

WHEREAS, Section 4 (a) of Proposition K requires the daily and regular operation of a motor vehicle for hire for which a permit has been issued; and

WHEREAS, failure to do so for ten (10) consecutive days mandates revocation of the permit by the Police Commission; and

WHEREAS, it was brought to the attention of the Permit Section by Mr. Andrew Chal, Jitney bus operator employed by Mr. Soto, that he had ceased operating the Jitney bus on November 26, 1983; and

WHEREAS, Section 1089 of the Municipal Police code requires compliance with Sections 1080.1 and 1080.2 which mandate that insurance is on file with the Police Commissic before a Jitney bus permit can be issued and the vehicle operated; and

WHEREAS, the last insurance policy on file for Mr. Soto expired on April 21, 1984 and he was notified by the Permit Section on April 27, 1984; and

WHEREAS, Mr. Soto has been reprimanded by the Chief of Police on January 19, 1982 for identical violations of said Section of the Police Code and Section 4 (a) of Propsition K; and

WHEREAS, a hearing on the recommendation of the Permit Bureau was held by the Police Commission for revocation of Hugo R. Soto's permit; and

WHEREAS, Mr. Soto appeared in person and was represent ed by Mr. Joel Marsh, attorney at law, wo called the following witnesses on behalf of Mr. Soto:

Mr. Frank Mastro
Mr. H. Stoppanich

and presented the following exhibit on behalf of Mr. Soto:

a) A letter for Mr. Andre Chal

and

WHEREAS, the Commission, after listening to testimony from the above parties including Police Officer Lamont Suslow, who represented the Police Department, the matter was taken under submission and the Police Commission returned with the following finding: That Mr. Hugo R. Soto had violated the above sections of the Police Code and Section 4 (a) of Proposition K and thereby placed his Jitney bus vehicle operation on suspension for a period of thirty (30) days commencing at 0800 hours, Friday, July 13, 1984 to 2400 hours, Saturday, August 11, 1984.

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

PUBLIC HEARING ON PUBLIC CONVENIENCE AND NECESSITY FOR THE ISSUANCE OF JITNEY BUS PERMITS.

Officer L. Suslow stated to the Commission that this is one of the two yearly occassions when the Commission holds PUBLIC HEARINGS FOR THE ISSUANCE OF JITNEY BUS PERMITS. He then suggested that the applicants be given time to submit their cases to the Commissioners. Mr. Phillip Pearson, Attorney for applicant Antonio David, said that his client has had an application on file with the Department since approximately April of 1980. He said Mr. David is first on the list and it has come to their attention that a permit holder has passed on and that a permit is now available to be issued. He said he believes that Mr. David is entitled to that permit. Officer Suslow confirmed the fact that a permittee had in fact died but the reason for the non-issuance of this permit so far is because the Commission had not established a number on the Mission Street Route. Mr. Pearson responding to Commissioner Nelder's question stated that his client had been driving since 1978.

Officer Suslow said the Permit Section, before filling this vacancy would like for the Commission to set a number of permits for that route which was 37 before the last permittee passed away. Commissioner Daly moved to set the number for that Route as 37, it was seconded by Commissioner Toler. Before final approval Mr. Joel Marsh, Attorney for the Jitney Association submitted their opposition to the granted of this permit and for any additional jitney bus permits. He said he believes the law requires that the individual applicant establish that public convenience and necessity requires the issuance of a permit. He said the Association has a long taken the position that 37 permits for Mission Street is too much. He said traffic congestion, Muni Buses, Bart and fast passes all contribute to current permit holders problems. He said the Jitney Owners Association believe that the number of 30 is an appropriate one for this route. He said it is suggested that this number be arrived at by attrition.

After further discussion Commissioner Nelder said that if the Commission does not set a number there may be an occasion when five, ten or 15 permits are issured with out any kind of a ceiling. He said he would therefore support the motion. It was then unanumously approved.

RESOLUTION NO. 814-84

APPLICATION FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF JITNEYS ON MISSION STREET - DENIED

WHEREAS, each of the below-named persons applied to the Police Commission for a declaration by the Commission for Public Convenience and Necessity for the issuance of permits to operate a Jitney bus in the City and County of San Francisco; and

WHEREAS, this matter came on for hearing before the Police Commission of the City and County of San Francisco on July 12, 1984; and

WHEREAS, various persons testified in opposition to the granting of additional permits and evidence in support of their position was presented to the Commission; and

WHEREAS, the Police Commission has set the number of Jitney bus permits for the City and County of San Francisco Mission Street route 37; and

WHEREAS, the law required that in order for a declaration of public convenience and necessity to be made, the applicants shall have the burden of proof to establish by clear and convincing evidence that public convenience and necessity require the operation of the vehicle for which permit application is made; and

WHEREAS, existing permit holders are, under normal conditions, adequately serving the public; therefore be it

RESOLVED, that it is the decision of the Commission to deny additional Jitney bus permits for Mission Street; and be it further

RESOLVED, that said permits shall be denied to the below-named applicants:

Thomas J. Ingheiram
Cirilo M. DeGuzman, Jr.
Leonilo S. Cabahit
Jose A. Vasquez
Edmund L. Jung
Jasimar Panggabean
Alberto DeGuzman
Harvey Lew
Dioadado S. Reyes
Eduardo A. Dela Cruz
Danilo H. Raymundo
Miguel V. San Juan

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 816-84

ACKNOWLEDGEMENT THAT MR. ANTONIO DAVID BE CONSIDERED AS THE NEXT APPLICANT IN LINE TO RECEIVE A JITNEY BUS PERMIT RETURNED TO THE CITY BY REASON OF THE DEATH OF A FORMER JITNEY BUS OWNER ON THE MISSION STREET JITNEY BUS ROUTE

WHEREAS, the below-named person applied to the Police Commission for a declaration of Public Convenience and Necessity for the issuance of permits to operate a Jitney bus in the City and County of San Francisco; and

WHEREAS, this matter came on for hearing before the Police Commission of the City and County of San Francisco on July 12, 1984; and

WHEREAS, the Police Commission has set the number at 37 Jitney bus permits for the Mission Street Jitney bus route for the City and County of San Francisco; and

WHEREAS, the Commission has been asvised by the Permit Section that the number of Jitney bus permits has recently decreased to 36 and should be raised to the original level of 37; therefore be it

RESOLVED, that it is the decision of the Commission to issue one (1) Jitney bus permit to bring the number back up to 37 Jitney bus permits for the Mission Street Jitney bus route for the City and County of San Francisco; and be it further

RESOLVED, that said permit shall be granted under and shall be revokable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby acknowledged that a permit returned to the City and County of San Francisco because of the death of a previous Jitney bus owner for the Jitney bus Mission Street Route.

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

PUBLIC HEARING REGARDING AMENDING POLICE COMMISSION POLICY ON THE FREQUENCY OF PUBLIC CONVENIENCE AND NECESSITY HEARING.

Officer L. Suslow said that Mr. Marsh, Attorney for the Jitney Association had sent a letter asking that the holding of Public Convenience and Necessity Hearings be extended from a period of every 6 months to once a year. He made a specific request for this to apply to jitney busses. He continued by saying that the permit section would have no objection either to the Commission extending it to 1 year for all classifications of motor vehicle for hire. Commissioner Hsieh said he would so move to amend the policy to 1 year for those hearings. Commissioner Toler said he would second the motion. It was then unanimously approved. Commissioner Nelder said the Commission had already asked the City Attorney as to feasibility of doing this and the City Attorney had assured the Commission that it was proper.

RESOLUTION NO. 815-84

SAN FRANCISCO POLICE COMMISSION POLICY ON HEARINGS ON APPLICATIONS FOR DECLARATION OF PUBLIC CONVENIENCE AND NECESSITY FOR THE ISSUANCE OF MOTOR VEHICLE FOR HIRE PERMITS - AMENDED

WHEREAS, the Police Commission at its meeting of May 18, 1983 adopted San Francisco Police Commission policy on hearings on applications for Decalaration of Public Convenience and Necessity for the issuance of motor vehicle for hire permits; and

WHEREAS, on July 12, 1984, the Police Commission moved to amend said policy, to decrease the frequency of Public Convenience and Necessity hearings; and

WHEREAS, the amendment of said policy refers to Section II, C, Subsections (1) to read: "for all applications relative to the prospective operation of taxicabs in the first Administrative meeting of the Commission in November; (2) for all applications relative to the prospective operation of Jitney buses, in the first Administrative meeting of the Commission in July; (3) for all applications relative to prospective operation of a limousine or sightseeing bus at the first Administrative meeting of the Commission in September; and

WHEREAS, this amendment to the said policy was not opposed; therefore be it

RESOLVED, that the above-stated amendment to the San Francisco Police Commission policy on hearings of applications for Declaration of Public Convenience and Necessity for the issuance of motor vehicle for hire permits, be, and the same is hereby approved.

AMENDMENT TO POLICY

c. Regular periodic hearings on public convenience and necessity for the issuance of motor vehicle for hire permits will be held pursuant to the provisions of Proposition K, Section 2(a). Notice of the date, time, and place of any hearing concerning pending application(s) or protest(s) by mail, said notice shall be in addition to such notice as is customarily given of items on the Commission agenda. Regular periodic hearings on public convenience and necessity shall be held according to the following schedule:

* 1. For all applications relative to the prospective operation of taxicabs, at the first administrative meeting of the Commission in November;

* 2. For all applications relative to the prospective operation of jitney buses, at the first administrative meeting of the Commission in July;

* 3. For all applications relative to the prospective operation of a limousine or sightseeing bus, at the first administrative meeting of the Commission in September.

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

(* Amended at the Police Commission meeting of July 12, 1984)

THE MEETING WAS THEN ADJOURNED AT 9:00 PM

Willie E. Frazier

LIEUTENANT WILLIE E. FRAZIER
SECRETARY
THE POLICE COMMISSION

THE POLICE COMMISSION MEETING OF JULY 19, 1984
WAS CANCELLED BECAUSE OF DEMOCRATIC CONVENTION

LIEUTENANT WILLIE E. FRAZIER
SECRETARY
THE POLICE COMMISSION

23 JULY 1984 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Monday, July 23, 1984 at 0900 hours in a Special Meeting.

PRESENT: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

1. Commissioner Nelder presiding.

RESOLUTION NO. 816-84

HEARING OF POLICE OFFICER LEONARD G. JEONG, PROPERTY CONTROL DIVISION

The hearing of Police Officer Leonard Jeong, Property Control Division, was called it having been set for this date. Police Officer Leonard Jeong, was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Misconduct, failure to conduct himself in an officer-like manner and neglect of duty (violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to preserve the peace, prevent crime and enforce all criminal laws (violation of Section 2.03 of the Rules and Procedures of the San Francisco Police Department);

SPECIFICATION NO. 3

Failure to make written report to his commanding officer of a crime or other occurrences of a police nature (violation of Section 2.61 of the Rules and Procedures of the San Francisco Police Department).

SPECIFICATION NO. 4

Leaving his beat, detail or assignment without justification (a violation of Section 9.29 of the Rules and Procedures of the San Francisco Police Department);

SPECIFICATION NO. 5

Drawing his firearm in a public place when not in the line of duty (a violation of Section 14.07 of the Rules and Procedures of the San Francisco Police Department).

in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Police Officer Leonard Jeong appeared in person and was represented by Mr. Michael Mendelton, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared as the Prosecutor for the San Francisco Police Department.

An opening statement was made by Mr. Jerry Akins fo the Defense.

The following named witness was called by the tion:

Officer Ernest C. Wilbergh Park Station

After listening to testimony from the above party, the Commission then adjourned at 1137 hours and the matter was continued to Tuesday, August 14, 1984 hours in Room 551, Hall of Justice.

Recess taken during the Hearing of Officer Leonard Jeong:

11:08 a.m. to 11:18 a.m.

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

RESOLUTION NO. 818-84

HEARING OF POLICE OFFICER KEVIN P. DEMPSEY, SUPPORT SERVICES BUREAU/COMMUNICATIONS (D-1)

The hearing of Police Officer Kevin P. Dempsey, Communications, was called it having been set for this date. Police Officer Kevin Dempsey was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Misconduct - Failure to conduct himself in an officer-like manner, and Neglect of Duty (violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to preserve the peace, prevent crime and enforce all criminal laws (violation of Section 2.03 of the Rules and Procedures of the San Francisco Police Department);

SPECIFICATION NO. 3

Failure to make written report to his commanding officer of a crime or other occurrence of a police nature (violation of Section 2.61 of the Rules and Procedures of the San Francisco Police Department);

SPECIFICATION NO. 4

Leaving his beat, detail or assignment without justification (violation of Section 9.29 of the Rules and Procedures of the San Francisco Police Department).

in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Police Officer Kevin Dempsey, appeared in person and was represented by Mr. Stephen B. Bley, Attorney at Law.

Mr. Jerry Akins, Attorney, Attorney at Law, appeared as the Prosecutor for the San Francisco Police Department.

An opening statement was made by Mr. Jerry Akins for the Prosecution.

The following named witness was called by the Prosecution:

Officer Ernest C. Wilbergh Park Station

After listening to testimony from the above party, the Commission then adjourned at 1137 hours and the matter was continued to Tuesday, August 14, 1984 at 1300 hours in Room 551, Hall of Justice.

Recess taken during the Hearing of Officer Dempsey:

11:08 a.m. to 11:18 a.m.

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Toler

RESOLUTION NO. 819-84

HEARING OF POLICE OFFICER KEVIN P. DEMPSEY, SUPPORT SERVICES BUREAU/COMMUNICATIONS (D-2)

The hearing of Police Officer Kevin P. Dempsey, Support Services Division/Communications, was called it having been set for this date. Police Officer Kevin Dempsey was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Failure to answer truthfully and without evasion questions propounded (a violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Police Officer Kevin Dempsey appeared in person and was represented by Mr. Stephen B. Bley, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared as the Prosecutor for the San Francisco Police Department.

An opening statement was made by Mr. Jerry Akins for the Prosecution.

An opening statement was made by Mr. Stephen Bley for the Defense.

The following named witness was called by the Prosecution:

Officer Ernest C. Wilbergh Park Station

After listening to testimony from the above party, the Commission then adjourned at 1137 hours and the matter was continued to Tuesday, August 14, 1984 at 1300 hours in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Toler

RESOLUTION NO. 817-84

HEARING OF POLICE OFFICER MARTY L. WAY, SUPPORT SERVICES BUREAU/PROPERTY CONTROL DIVISION

The hearing of Police Officer Marty L. Way, Support Services Bureau/Property Control Division, was called it having been set for this date. Police Officer Marty Way was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Misconduct, failure to conduct himself in an officer-like manner and neglect of duty (violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to preserve the peace, prevent crime and enforce all criminal laws (violation of Section 2.03 of the Rules and Procedures of the San Francisco Police Department);

SPECIFICATION NO. 3

Failure to make written report to his commanding officer of a crime or other occurrences of a police nature (violation of Section 2.61 of the Rules and Procedures of the San Francisco Police Department);

SPECIFICATION NO. 4

Leaving his beat, detail or assignment without justification (a violation of Section 9.29 of the Rules and Procedures of the San Francisco Police Department).

in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Police Officer Marty Way, appeared in person and was represented by Mr. Terence Hallinan, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared as the Prosecutor for the San Francisco Police Department.

An opening statement was made by Mr. Jerry Akins for the Prosecution.

An opening statement was made by Mr. Terence Hallinan for the Defense.

The following named witness was called by the Prosecution:

Officer Ernest C. Wilbergh Park Station

After listening to testimony for the above party, the Commission then adjourned at 1137 hours and the matter was continued to Tuesday, August 14, 1984 at 1300 hours in Room 551, Hall of Justice.

Recess taken during the Hearing of Officer Marty Way:

11:08 a.m. to 11:18 a.m.

(THE ENTIRE PROCEEDINGS WERE TAKEN IN SHORTHAND FORM BY MS. BONNIE MORTLEY, CSR.)

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

THE MEETING WAS THEN ADJOURNED AT 11:37 A.M.

Willie E. Frazier

LIEUTENANT WILLIE E. FRAZIER
SECRETARY
THE POLICE COMMISSION

26 JULY 1984 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Thursday, July 26, 1984 at 1700 hours in Executive Session.

PRESENT: Commissioners Sanchez, Hsieh, Toler
ABSENT: Commissioners Daly, Nelder

1. Personnel Matter

Commissioner Sanchez presiding.

26 JULY 1984 REGULAR SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, July 26, 1984 at 1730 hours in Regualar Session.

PRESENT: Commissioners Sanchez, Hsieh, Toler
ABSENT: Commissioners Daly, Nelder

Commissioner Sanchez presiding.

APPROVAL CONSENT CALENDAR

RESOLUTION NO. 826-84

SAN FRANCISCO COMMUNITY COLLEGE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of San Francisco Community College against the City and County of San Francisco in the sum of $272.90 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 26, 1983

AYES: Commissioners Sanchez, Hsieh, Toler
ABSENT: Commissioner Daly, Nelder

RESOLUTION 827-84

CAROLE F. WRAY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Carole F. Wray against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 22, 1984

AYES: Commissioner Sanchez, Hsieh, Toler
ABSENT: Commissioner Daly, Nelder

RESOLUTION 828-84

HELENA STULER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Helena Struler against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 5, 1984

AYES: Commissioners Sanchez, Hsieh, Toler
ABSENT: Commissioners Daly, Nelder

RESOLUTION NO. 829-84

DANIEL DADOUN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Daniel Dadoun against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 20, 1984

AYES: Commissioners Sanchez, Hsieh, Toler
ABSENT: Commissioners Daly, Nelder

RESOLUTION NO. 830-84

KAREN LOWEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Karen Lowen against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 21, 1984

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

RESOLUTION NO. 831-84

ANTHONY MICHAEL VALERA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Anthony Michael Valera against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 16, 1984

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

RESOLUTION NO. 832-84

PHILIP J. SCIBONA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Philip J. Scibona against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 3, 1984

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Sanchez

RESOLUTION NO. 833-84

ALI J. FARHAT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Daniel J. Farhat against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 15, 1984

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

RESOLUTION NO. 834-84

ROSCOE JORDAN, JR.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Roscoe Jordan, Jr. against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 18, 1984

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

RESOLUTION NO. 835-84

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved

Date of Incident: June 12, 1984

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

RESOLUTION NO. 836-84

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved

Date of Incident: June 12, 1984

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

RESOLUTION NO. 837-84

JOHN D. GIBSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John D. Gibson against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved

Date of Incident: June 1, 1984

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

RESOLUTION NO. 838-84

KEVIN E. JACKSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kevin E. Jackson against the City and County of San Francisco in the sum of $76.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 12, 1984

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

RESOLUTION NO. 839-84

SIHONG MEI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sihong Mei against the City and County of San Francisco in the sum of $64.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 4, 1984

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

RESOLUTION NO. 840-84

ROZEL MILLIGAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rozel Milligan against the City and County of San Francisco in the sum of $35.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 14, 1984

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

RESOLUTION NO. 841-84

HOWARD PHILLIPS REYNOLDS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Howard Phillips Reynolds against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 18, 1984

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

RESOLUTION NO. 842-84

DEBORAH SHARPE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Deborah Sharpe against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 30, 1984

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

RESOLUTION NO. 843-84

JOHN VIDA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John Vida against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 20, 1984

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

RESOLUTION NO. 844-84

KIMBERLY CRISWELL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kimberly Criwell against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 18, 1984

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

RESOLUTION NO. 845-84

GEORGE T. VOLENIK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of George T. Volenik against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 28, 1984

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

RESOLUTION NO. 846-84

CAROLINE P. ZACH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Caroline P. Zach against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 16, 1984

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

RESOLUTION NO. 847-84

ABC TOWING & STORAGE CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing & Storage Co. against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 28, 1984

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

RESOLUTION NO. 848-84

RONALD G. HARPER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ronald G. Harper against the City and County of San Francisco in the sum of $57.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 19, 1984

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

RESOLUTION NO. 849-84

ROYCE E. HARRIS

RESOLVED, that the recommendation of the City Attorney for

settlement of the claim of Royce E. Harris against the City and County of San Francisco in the sum of $43.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 6, 1984

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

RESOLUTION NO. 850-84

JOHNNY LIM LAU

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Johnny Lim Lau against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 24, 1984

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

RESOLUTION NO. 851-84

FRED STUART

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Fred Stuart against the City and County of San Francisco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 23, 1984

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

RESOLUTION NO. 852-84

ROBERT W. AGNE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert W. Agne against the City and County of San Francisco in the sum of $25.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 11, 1984

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

RECOMMENDATION OF THE CHIEF OF POLICE THAT OFFICER JOHN BLESSING, NARCOTICS DETAIL, BE AUTHORIZED TO ATTEND THE CLANDESTINE DRUG LABORATORY COURSE IN SACRAMENTO, CA FROM JULY 24 TO JULY 26, 1984.

RESOLUTION NO. 853-84

AUTHORIZING ATTENDANCE OF OFFICER JOHN BLESSING, NARCOTICS DETAIL, AT THE CLANDESTINE DRUG LABORATORY COURSE IN SACRAMENTO, CALIFORNIA FROM JULY 24 TO JULY 26, 1984

RESOLVED, that the recommendation of the Chief of Police that Officer John Blessing, Narcotics Detail be authorized to attend the Clandestine Drug Laboratory Course conducted by the California Department of Justice

in Sacramento, California from July 24 to July 26, 1984, be, and the same is hereby approved; and be it further

RESOLVED, that all expenses incurred by the above-named member of the Police Department in the sum of $226.00 for subsistence and travel are reimbursable by POST.

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

REQUEST FOR APPROVAL OF TRAVELING EXPENSE VOUCHERS SUBMITTED BY INSPECTORS LLOYD CUNNINGHAM AND GEORGE WALSH FOR ATTENDANCE AT THE CREDIT CARD FRAUD AND TRAVELERS' CHECK FRAUD TRAINING SESSION IN LOS ANGELES CA 06/26/84.

RESOLUTION NO. 854-84

TRAVELING EXPENSE VOUCHERS - APPROVED

RESOLVED, that the Traveling Expense Vouchers submitted by the following-named members of the Police Department for attendance at the below-listed program, be, and the same is hereby approved.

Insp. Lloyd Cunningham) $208.00 ea. (Credit Card Fraud and
Insp. George Walsh) (Travelers' Check Fraud
(Training Session
(06/26/84 - 06/26/84
(Los Angeles, California

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

SAID MAJLESSI

RESOLUTION NO. 855-84

SAID MAJLESSI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Said Majlessi against the City and County of San Francisco in United States District Court Action No. C 82-4382-TEH entitled "Said Majlessi vs. City and County of San Francisco, et al.," in the sum of $2,400.00 as the result of damages sustained, be, and the same is hereby approved.

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

RECOMMENDATION OF THE CHIEF OF POLICE THAT SGT. VICTOR WODE, RANGEMASTER, POLICE RANGE, BE AUTHORIZED TO ATTEND THE RANGEMASTER SEMINAR IN QUANTICO, VA FROM AUGUST 12 TO AUGUST 18, 1984

RESOLUTION NO. 856-84

AUTHORIZING ATTENDANCE OF SERGEANT VICTOR WODE, RANGEMASTER, POLICE RANGE, AT THE RANGEMASTER SEMINAR IN QUANTICO, VIRGINIA FROM AUGUST 12 TO AUGUST 18, 1984

RESOLVED, that the recommendation of the Chief of Police that Sergeant Victor Wode, Rangemaster, Police Range, be authorized to attend the Rangemaster Seminar conducted by the Federal Bureau of Investigation in Quantico, Virgina from August 12 to August 18,1984, be, and the same is hereby approved and be it further

RESOLVED, that expenses incurred by the above-named member of the Police Department will be paid by the Federal Bureau of Investigation at no cost to this Department.

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

RECOMMENDATION OF THE CHIEF OF POLICE THAT INSPECTORS THOMAS DONOHOE AND FREDERICK GROVEN, FRAUD DETAIL, BE AUTHORIZED TO ATTEND THE FOURTH ANNUAL FRAUD INVESTIGATORS SCHOOL IN SAN DIEGO CA FROM SEPTEMBER 26 TO SEPTEMBER 28, 1984.

RESOLUTION NO. 857-84

AUTHORIZING ATTENDANCE OF INSPECTORS THOMAS DONOHOE AND FREDERICK GROVEN, FRAUD DETAIL, AT THE FOURTH ANNUAL FRAUD INVESTIGATORS SCHOOL IN SAN DIEGO, CALIFORNIA FROM SEPTEMBER 26 TO SEPTEMBER 28, 1984

RESOLVED, that the recommendation of the Chief of Police that Inspectors Thomas Donohoe and Frederick Groven, Fraud Detail, be authorized to attend the Fourth Annual Fraud Investigators Association in San Diego, California from September 28, 1984, be, and the same is hereby approved; and be it further

RESOLVED, that all expenses incurred by the above-named members of the Police Department in a sum not to exceed $424.00 each for subsistence, travel and registration fees will be defrayed from the Department Training Fund.

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

RECOMMENDATION OF THE CHIEF OF POLICE THAT OFFICER JAMES GERVASI, TACTICAL DIVISION, BE AUTHORIZED TO ATTEND A SPECIAL WEAPONS AND TACTICS BASIC COURSE IN NOVATO CA FROM AUGUST 6 TO AUGUST 10, 1984.

RESOLUTION NO. 858-84

AUTHORIZING ATTENDANCE OF OFFICER JAMES GERVASI, TACTICAL DIVISION, AT THE SPECIAL WEAPONS AND TACTICS BASIC COURSE IN NOVATO, CA FROM AUGUST 6 TO AUGUST 10, 1984

RESOLVED, that the recommendation of the Chief of Police that Officer James Gervasi, Tactical Division, be authorized to attend a Special Weapons and Tactics Basic Course, conducted by the Northern California Criminal Justice Training and Education System in Novato, California from August 6 to August 10, 1984, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by the above-named member of the Police Department in the sum of $325.60 for tuition, subsistence and travel are reimbursable by POST.

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

RECOMMENDATION OF THE CHIEF OF POLICE THAT CRIMINALIST FRANCIS WOO, CRIMINALISTICS DIVISION, BE AUTHORIZED TO ATTEND THE LABORATORY EXAMINATIONS IN ARSON MATTERS COURSE IN QUANTICO, VA FROM JULY 23 TO JULY 27, 1984.

RESOLUTION NO. 859-84

AUTHORIZING ATTENDANCE OF CRIMINALIST FRANCIS WOO, CRIMINALISTICS DIVISION, AT THE LABORATORY EXAMINATIONS IN ARSON MATTERS COURSE, IN QUANTICO, VIRGIANIA FROM JULY 23 TO JULY 27, 1984

RESOLVED, that the recommendation of the Chief of Police that Criminalist Francis Woo, Criminalistics Division, be authorized to attend the Laboratory Examinations in Arson Matters Course, conducted by the Federal Bureau of Investigation in Quantico, Virginia from July 23 to July 27, 1984, be, and the same is

hereby approved; and be it further

RESOLVED, that expenses incurred by the above-named member of the Federal Bureau of Investigation at no cost to the Department.

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

RECOMMENDATION OF THE CHIEF OF POLICE THAT OFFICER KENNETH FOSTER, NARCOTICS DETAIL, BE AUTHORIZED TO ATTEND THE NARCOTIC INVESTIGATION COURSE IN SACRAMENTO, CA FROM AUGUST 12 TO AUGUST 24, 1984.

RESOLUTION NO. 860-84

AUTHORIZING ATTENDANCE OF OFFICER KENNETH FOSTER, NARCOTICS DETAIL, AT THE NARCOTIC INVESTIGATION COURSE IN SACRAMENTO, CA FROM AUGUST 12 TO AUGUST 24, 1984.

RESOLVED, that the recommendation of the Chief of Police that Officer Kenneth Foster, Narcotics Detail, be authorized to attend the Narcotic Investigation Course conducted by the California Department of Justice in Sacramento, California, from August 12 to August 24, 1984, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by the above-named member of the Police Department in the sum of $684.00 for subsistence and travel are reimbursable by POST.

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

POLICE COMMISSION REPORT.

Commissioner Sanchez congratulated the men and women of the Police Department for a job well done during the Democratic National Convention. He commended Deputy Chief Mullen for his excellent job of organizing the police protection during the Convention.

Commissioner Hsieh mentioned a comment in the minutes of September, page 19, about a discrepancy. Commissioner Nelder replied that the comment - "I do not believe a word he says" - Commissioner Nelder stated that he did not hear anything of that nature at any one of those meetings.

CHIEF'S REPORT TO THE POLICE COMMISSION.

No Chief's Report.

PUBLIC DISCUSSION REGARDING OPERATION OF THE OFFICE OF CITIZEN COMPLAINTS.

Commissioner Sanchez called upon OCC Director Eugene Swann to explain his request for more personnel. Director Swann stated that the OCC was authorized to operate at 60% of its full strength, whereas it is currently operating at only 50% of its full strength and requested a Supplemental Appropriation from the Commission. Commissioner Sanchez replied that the appropriation would have to be approved by the Mayor's Office and the Board of Supervisors.

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER JEFFREY SMITH, CENTRAL STATION.

RESOLUTION NO. 821-84

POLICE OFFICER JEFFREY M. SMITH, CENTRAL STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Jeffrey M. Smith, Central Station, as follows:

SPECIFICATION NO. 1

Engaging in conduct which reflects discredit upon the Department and which tends to subvert the good order, efficiency, or discipline of the Department (a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department; therefore be it.

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Jeffrey M. Smith, Central Station, is set for Thursday, August 2, 1984 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER PAUL T. SWIATKO, MUNI TRANSIT POLICE.

RESOLUTION NO. 822-84

POLICE OFFICER PAUL T. SWIATKO, MUNI TRANSIT DIVISION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Paul T. Swiatko, MUNI Transit Division, as follows:

SPECIFICATION NO. 1

Failure to percent crime (violation of Rule A-2 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency and discipline of the department and which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Franciso Police Department)

by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Paul T. Swiatko, MUNI Transit Division, is set for Thursday, October 11, 1984 at 5:30 p.m. on Room 551, Hall of Justice.

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER ROBERTO SALINAS, SOUTHERN STATION.

RESOLUTION NO. 823-84

POLICE OFFICER ROBERTO SALINAS, SOUTHERN STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police department were filed against Police Officer Roberto Salinas, Southern Station.

SPECIFICATION NO. 1

Failure to prevent crime while off duty (violation of Rule A-2 of General Order D-1 of the San Francisco Police Department).

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department and which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Roberto Salinas, Southern Station, is set for Thursday, October 18, 1984 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

HEARING OF THE REQUEST FOR RECONSIDERATION OF THE TAXICAB OWNERS' PERMIT OF MR. FRANCISCO SOLORIO WAS HEARD - CONTINUED TO AUGUST 2, 1984, FOR DECISION.

RESOLUTION NO. 861-84

HEARING ON THE REQUEST FOR RECONSIDERATION OF COMMISSION DECISION REGARDING TAXICAB OWNER PERMIT GRANTED TO FRANCISCO J. SOLORIO ON JUNE 14, 1984

The hearing for reconsideration of the Police Commission's decision regarding Taxicab Owner Permit granted to Francisco J. Solorio on June 14, 1984 was called, based on evidence that the San Francisco Police Department's Permit Section staff received, raised, raising questions as to Mr. Solorio's qualifications.

The new evidence speaks to the following violations: 1)That as violator/suspect responsible party in incidents involving parking violations; 2) Improper solicitation of passengers for services; 3) Use of obscene language; 4) Assault and battery (fists); 5) Assault with a deadly weapon (van); 6) Resisting arrest and assault and battery on a peace officer; 7) Inconsistencies in the information provided by Mr. Solorio under penalty of perjury on his Taxicab Owner Permit application.

Mr. Solorio appeared in person and was represented by Mr. Michael Mendelson, attorney at law.

Mr. Lawrence Wilson, attorney at law, appeared on behalf of the San Francisco Police Department.

An opening statement was made by Mr. Wilson.

An opening statement was made by Mr. Mendelson.

The following-named witness were called by Mr. Lawrence Wilson on behalf of the San Francisco Police Department, were swron and testified:

Officer Martin Scanlan
Airport Police

Officer Jesus Pinon
Airport Police

Lt. Raul Fanfelle
Airport Police

Officer Robert Massola
Airport Police

The following-named witnesses were called by Mr. Melson on behalf of the applicant, were sworn and testified:

Mr. Francisco J. Solorio
37 Winfield Street
San Francisco CA 94110

Mr. Tom Webster
City Cab, Inc.

Mr. Jack G. Trad
Veteran's ab, Inc.

The following exhibits were submitted as evidence by the applicant:

Exhibit A - One (1) 3" x 4" color photograph showing upper body, bruises on face and hands.

Exhibit B - One (1) 3" x 4" color photograph showing a bruise on right side of face of Mr. Solorio.

Exhibit C - One (1) 3" x 4" color photograph showing a bruise on right leg of Mr. Solorio.

Exhibit D - One (1) 3" x 4" color photograph showing a bruise on the right ankle of Mr. Solorio.

During the hearing Mr. Lawrence Wilson requested that he be provided with documents in the possession of the applicant that were alluded to by Mr. Mendelson, the applicant's attorney, by Monday July 30, 1984 prior to conclusion of this hearing.

The Commission took the matter under submission and continued the hearing on the reconsideration of the Commission's decision regarding Taxicab Owner Permit granted to Mr. Francisco J. Solorio to August 2, 1984 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

HEARING OF PATROL SPECIAL OFFICER RALPH C. LACEY, CENTRAL STATION.

RESOLUTION NO. 824-84

HEARING OF PATROL SPECIAL OFFICER RALPH C. LACEY, CENTRAL POLICE DISTRICT - (CONTINUED FROM MEETING OF JULY 26, 1984)

WHEREAS, the hearing of Patrol Special Officer Ralph C. Lacey, Central Police District, was called it having been set for this date; and

WHEREAS, it has been requested by Mr. Michael E. Gash, Attorney at Law, representing the San Francisco Police Department, that the matter be continued to Thursday, September 27, 1984; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Patrol Special Patrol Special Officer Ralph C. Lacey, Central Police District, is

continued to Thursday, September 27, 1984 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioner Daly, Nelder

HEARING OF POLICE OFFICER MICHAEL K. GARNER, CENTRAL STATION.

RESOLUTION NO. 820-84

HEARING OF POLICE OFFICER MICHAEL K. GARNER, CENTRAL STATION

WHEREAS, on Wednesday, June 4, 1984, Cornelius P. Murphy, Chief of Police, made and served charges against Police Officer Michael K. Garner, Central Station, as follows:

CHARGE NO. 1

Failure to properly account for booked property of a prisoner while acting as Station Keeper (violation of Rule IV, B, 17 of General Order D-1 of the San Francisco Police Department);

CHARGE NO. 2

Engaging in conduct which subverts the good order, efficienc and discipline of the department and which reflects discredit on the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

CHARGE NO. 3

Failure to answer truthfully and without evasion questions propounded by a superior officer (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department)

and

WHEREAS, the Police Commission set Thursday, July 26, 1984 as the date for the hearing of Charges filed against Police Officer Michael K. Garner from the San Francisco Police Department; said resignation effective immediately, which resignation was accepted with the condition that the services of Police Officer Michael Garner have been unsatisfactory and that he does not resign in good standing; therefore be it

RESOLVED, That the Charges of violating the Rules and Procedures of the San Francisco Police department filed against Police Officer Michael Garner, be, and the same is hereby continued off calendar.

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

RECEIPT OF AMENDED CHARGES FILED AGAINST OFFICER MICHAEL O'NEILL, SOUTHERN STATION.

RESOLUTION NO. 819-84

NOTIFICATION AND FILING OF AMENDED CHARGES AGAINST POLICE OFFICER MICHAEL F. O'NEILL, SOUTHERN STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Michael F. O'Neill, Southern Station, as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department and which reflects discredit upon the Department (violation of Rule A-9 of general Order D-1 of the San Francisco

Police Department).

by Cornelius P. Murphy, Chief of Police of the San Francisco Police; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Michael F. O'Neill, Southern Station, is set for Thursday, August 9, 1984 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE SERGEANT HUGH C. ELBERT, COMMUNICATIONS DIVISION.

RESOLUTION NO. 825-84

POLICE SERGEANT HUGH C. ELBERT, COMMUNICATIONS

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Sergeant Hugh Elbert, Communications, as follows:

SPECIFICATION NO. 1

Failure to report for duty as required by assignment (violation of Rule A-4 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to appear for Range Qualification as ordered (violation of Rule A-11 of General Order D-1 of the San Francisco Police department);

SPECIFICATION NO. 3

Failure to provide Doctor's Certificate after returning from sick leave as ordered (violation of Rule A-11 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 4

Falsely reporting sickness (violation of Rule B-3 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 5

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Sergeant Hugh C. Elbert, Communications, is set for Thursday, October 4, 1984 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Toler, Hsieh, Sanchez
ABSENT: Commissioners Daly, Nelder

THE MEETING WAS THEN ADJOURNED AT 10:32 PM

Willie E. Frazier

LIEUTENANT WILLIE E. FRAZIER
SECRETARY
THE POLICE COMMISSION

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Murphy said he had no report tonight.

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION ADOPT AN AMENDMENT TO THE MUNICIPAL CODE (POLICE CODE) BY ADDING ARTICLE 34 REGULATING EMERGENCY ALARM SYSTEMS AND PRESCRIBING PENALTIES FOR VIOLATION OF THIS ARTICLE. (CONTINUED TO JUNE 8, 1983)

Captain Frank Jordan of the Community Services Division said to the Commission that this matter is a follow-up on the meeting held two weeks ago where discussion was held with the Alarm Industry and members of the Commission. He said as a result of that meeting, part of the discusssion involved around as to how they would implement the Emergency Alarm Ordinance in terms of two different ways to go. He said that one, the alarm industry wanted the Department to go to a "no response" mode rather than actually charging fees for infractions and that second, they would like to have the fines reduced that the Department has set, based on what it was charging. He said the Alarm Ordinance is based on a 60-day cycle. He said the first time the Department would warn the individual that they have a malfunction or something needed to be done in training the individuals who were using it. He said the second false alarm during the 60-day period would go to a $25.00 fee, and a third alarm in this same period would go to a $75.00 fee and a fourth would go to a $150.00 fee. He said this program is modeled after the one already in effect in the City of San Jose and Sergeant Kirk Grant and Officer Dave Moss from that police department are here to tell the Commission of their experience with their alarm system.

Sergeant Kirk Grant said they receive what they call a "fair card" during every false alarm and allow one false alarm in every thirty (30) day period. He said anything over that, they levy a fine of $50.00, a third one is $100.00 and anything above three in 30 days is a $250.00 fine. He said they go out and try to work with the people and the alarm company to try and solve the problem before it reaches this critical stage. He said they have had good rapport with the people and the alarm companies in the Santa Clara Valley. He said last year they had over 20,000 false alarms and this year they have had only 14,000. He said they have for this year issued 364 citations as opposed to the number originally issued for the first three months, a total of 75. Commissioner Sanchez thanked the San Jose officers and invited other persons who desired to speak to come forth and present their position on the issue. The following persons then came forth:

Mr. Bill Ceresky, President
North American Alarm Company
San Francisco

Mr. Ted Barron
Day and Night Alarm Company
San Francisco

Mr. Bill Kennedy
Bay Alarm Company

Ms. Pam Alba
Allied Security Systems

After listening to the above named parties and exchanging dialogue on this issue, Commissioner Daly moved that it be continued to the 20th of July.

2 AUGUST 1984 REGULAR SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, August 2, 1984 at 1730 hours in Regular Session.

PRESENT: Commissioners Sanchez, Nelder, Daly, Hsieh Toler

Commissioner Sanchez presiding.

APPROVAL OF CONSENT CALENDAR

CIVIL SERVICE EMPLOYEES INSURANCE COMPANY AND SHARON SPRIGGS

RESOLUTION NO. 875-84

CIVIL SERVICE EMPLOYEES INSURANCE COMPANY AND SHARON SPRIGGS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the Civil Service Employee's Insurance Company and Sharon Spriggs against the City and County of San Francisco in the sum of $1,492.39 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 18, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez Toler

JEFFREY A. MOSS

RESOLUTION NO. 876-84

JEFFREY A. MOSS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jeffrey A. Moss against the City and County of San Francisco in the sum of $283.72 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 28, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez Toler

CATALIN MATEI

RESOLUTION NO. 877-84

CATALIN MATEI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Catalini Matei against the City and County of San Francisco in the sum of $325.69 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 10, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez Toler

TERESA HERRERA

RESOLUTION NO. 878-84

TERESA HERRERA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Teresa Herrera against the City and County of San Francisco in the sum of $574.80 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 1, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez Toler

KIRK MESSICK, JR.

RESOLUTION NO. 879-84

KIRK MESSICK, JR.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kirk Messick, Jr. against the City and County of San Francisco in the sum of $718.41 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 8, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez Toler

N. C. D. ASSOCIATES

RESOLUTION NO. 880-84

N. C. D. ASSOCIATES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of N. C. D. Associates against the City and County of San Francisco in the sum of $260.72 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 15, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez Toler

U.S.A.A./MARILYN BYINGTON

RESOLUTION NO. 881-84

U.S.A.A. MARILYN BYINGTON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of U.S.A.A. Marilyn Byington against the City and County of San Francisco in the sum of $1,488.85 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 9, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez Toler

FRANK GARCIA

RESOLUTION NO. 882-84

FRANK GARCIA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Frank Garcia against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 1984

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez
Toler

HAROLD & JOHN POSEY

RESOLUTION NO. 885-84

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Harold & John Posey against the City and County of San Francisco in the sum of $88.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 6, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Toler

Date of Incident: May 16, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez
Toler

REQUEST FOR APPROVAL OF TRAVELING EXPENSE VOUCHERS SUBMITTED BY SERGEANT ARTHUR GERRANS AND OFFICER SUSAN HERNANDEZ FOR ATTENDANCE AT THE VICE INVESTIGATION COURSE IN LOS GATOS, CALIFORNIA FROM 06/25/84 TO 06/29/84.

RESOLUTION NO. 883-84

TRAVELING EXPENSE VOUCHERS

RESOLVED, that the Traveling Expense Vouchers submitted by the below-named members of the Police Department for attendance at the indicated program, be, and the same is hereby approved.

Sergeant Arthur Gerrans)	$553.20	(Vice Investigation Cours
Officer Susan Hernandez)	$553.20	(Los Gatos, California
		(06/25/84 - 06/29/84

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez
Toler

POLICE COMMISSION REPORT

Commissioner Nelder asked Deputy Chief Kevin Mullen as to what action had been taken in regard to the problem of loiterers in the UN Plaza area. Chief Mullen replied that he had conferred with the Captain of Southern Station and the Tactica Division and would meet with the people concerned. He would then return with a report to Commission Vice President Nelder in regard to solving this problem.

Commissioner Hsieh expressed concern over the problem of congestion on Stockton Street. Deputy Chief Mullen stated that he would confer with the Captain of Central Station about this problem and return with a report to Commissioner Hsieh.

Commissioner Hsieh also asked about the status of the new police facilities. Deputy Chief Mullen replied that a survey was being taken of all new sites for the facilities and a report would be forthcoming as to sites chosen, costs, etc. . . .

Commissioner Hsieh then questioned Chief Mullen about the Asian killings in the Richmond District and was told that Homicide was working on the case.

CHIEF'S REPORT TO THE POLICE COMMISSION.

The Chief had no report this session.

SETTING OF DATE FOR HEARING OF OFFICER JEFFREY SMITH, CENTRAL STATION

RESOLUTION NO. 884-84

SETTING OF DATE FOR HEARING OF POLICE OFFICER JEFFREY SMITH, CENTRAL STATION

WHEREAS, the date to be set for the hearing of the disciplinary charges filed against Police Officer Jeffrey Smith, Central Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Casimer Wilson, Attorney at Law, representing Officer Jeffrey Smith, that the date for the hearing before the Police Commission be set for October 25, 1984; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Jeffrey Smith, Central Station, is set for October 25, 1984 at 1730 hours in Room 551, Hall of Justice.

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez Toler

GENERAL ORDER NO. J-3 "INVENTORY FORMS AND RELEASES." ADOPTED

RESOLUTION NO. 870-84

GENERAL ORDER NO. J-3 " INVENTORY" FORMS AND RELEASES."

ADOPTED

RESOLVED, that the Police Commission hereby adopts Department General Order J-3, Equipment.

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez Toler

GENERAL ORDER NO. B-3, "EQUIPMENT" ADOPTED

RESOLUTION NO. 871-84

GENERAL ORDER NO. B-3, "EQUIPMENT" ADOPTED

RESOLVED, that the Police Commission hereby adopts Department General Order B-3, "Equipment".

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez Toler

GENERAL ORDER NO. B-6 "UNIFORM AND EQUIPMENT CLASSES." ADOPTED

RESOLUTION NO. 872-84

GENERAL ORDER NO. B-6 "UNIFORM AND EQUIPMENT CLASSES." ADOPTED

RESOLVED, that the Police Commission hereby adopts Department General Order B-6, "Uniform and Equipment Classes."

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Toler

REQUEST OF CAPTAIN RICHARD J. SHIPPEY, TACTICAL DIVISION, FOR PERMISSION TO ACCEPT THE GIFT OF ONE (1) HORSE VALUED AT $1,000.00 - APPROVED

RESOLUTION NO. 873-84

REQUEST OF CAPTAIN RICHARD J. SHIPPY, TACTICAL DIVISION, FOR PERMISSION TO ACCEPT THE GIFT OF ONE (1) HORSE VALUED AT $1,000.00 - APPROVED

RESOLVED, that the request of Captain Richard J. Shippy, Tactical Division, to accept a four year old Bay gelding Quarter Horse valued at $1,000.00, be, and the same is hereby approved.

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez

After listening to evidence presented by Officer Lamont Suslow of the Permit Bureau, the Commission made the following decisions in regard to applicants for taxicab permits;

RESOLUTION NO. 866-84

APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF TAXICAB - GLENN J. DICKSON (WITHDRAWN)

WHEREAS, the below-named person applied to the Police Commission for a declaration of Public Convenience and Necessity for the issuance of a permit to operate a taxicab in the City and County of San Francisco; and

WHEREAS, this matter came on for hearing before the Police Commission of the City and County of San Francisco on August 2, 1984; and

WHEREAS, a member of the Police Department's Permit Section stated that Mr. Dickson has requested that his application for a taxicab permit be withdrawn; therefore be it

RESOLVED, that Mr. Dickson's request that his application for a taxicab permit be withdrawn; be and the same is hereby approved.

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez

RESOLUTION NO. 867-84

APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF TAXICAB - MR. WILLIAM W. MOY (APPROVED)

WHEREAS, the below-named person applied to the Police Commission for a declaration of Public Convenience and Necessity for the issuance of a permit to operate a taxicab in the City and County of San Francisco; and

WHEREAS, this matter came on for hearing before the Police Commission of the City and County of San Francisco on August 2, 1984; and

WHEREAS, prior to the energence of Proposition K, there were approximately 711 taxicab permits in the City and County of San Francisco; and

WHEREAS, the Police Commission, pursuant to Resolution No. 283-84 has set the number at 761 taxicab permits for the City and County of San Francisco; and

WHEREAS, the Commission has been advised by the Permit Section that the number of taxicab permits has recently decreased by one due to the death of a permit holder; therefore be it

RESOLVED, that it is the decision of the Commission to replace the one taxicab permit recently voided due to the death of a permit holder; and be it further

RESOLVED, that said permit shall be granted under and shall be revokable under criteria and standards published by The Commission in conjunction with applicable sections of the San Francisco Muncipal Code, and shall be and is hereby granted to the below named applicant:

Mr. William Moy

AYES:Commissioners Toler, Hsieh, Nelder, Daly, Sanchez

RESOLUTION NO. 865-84

APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF TAXICAB - MR. ANDERSON H. SETO (APPROVED)

WHEREAS, the below-named person applied to the Police Commission for a declaration of Public Convenience and Necessity for the issuance of a permit to operate a taxicab in the City and County of San Francisco; and

WHEREAS, this matter came on for hearing before the Police Commission of the City and County of San Francisco on August 2, 1984; and

WHEREAS, peior to the emergence of Proposition K, there were approximately 711 taxicab permits in the City and County of San Francisco; and

WHEREAS, the Police Commission, pursuant to Resolution No. 283-84 has set the number at 761 taxicab permits for the City and County of San Francisco; and

WHEREAS, The Commission has been advised by the Permit Section that the number of taxicab permits has recently decreased by one due to the death of a permit holder; therefore be it

RESOLVED, that it is the decision of The Commission to replace the one taxicab permit recently voided due to the death of a permit holder; and be it further

RESOLVED, that said permit shall be granted under and shall be revokable under criteria and standards published by The Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to the below named applicant:

Mr. Anderson H. Seto

AYES: Commissioners Toler, Hsieh, Nelder, Daly, Sanchez

The Commission, upon granting approval to the foregoing applicants, further stated that said applicants must comply with the provisions of the Muncipal Code and Police Code.

The Police Commission discussed the proposed use of Station Wagons as taxicabs. The item was carried Calendar until the Permit Bureau submits an updated report listing the essential specifications required for said station wagons. In addition, the Commission will not discuss the

the matter until it has received sufficient information as to the use of such vehicles.

The Commission continued the hearing of the request of Mr. Francisco Solorio for reconsideration of the denial of his Taxicab Owner Permit. After further debate and reconsideration, the Police Commission granted the request by the Permit Bureau to withdraw the granting of a permit to Mr. Solorio.

HEARING OF THE POLICE COMMISSION RECONSIDERATION OF THE COMMISSION DECISION REGARDING TAXICAB OWNER PERMIT GRANTED TO FRANCISCO J. SOLORIO ON JUNE 14, 1984 (CONTINUED FROM MEETING OF JULY 26, 1984)

The hearing of the request of Mr. Francisco J. Solorio' request for reconsideration of the Police Commission's decision regarding the taxicab owner permit granted to Mr. Solorio on June 14, 1984 was called it having been continued from the meeting of July 26, 1984.

Mr. Solorio appeared in person and was represented by Mr. Michael Mendelson, attorney at law.

Mr. Lawrence Wilson, attorney at law, appeared on behal of the San Francisco Police Department.

Mr. Wilson made a closing statement to the Commission requesting the Commission to adopt the staff recommendation to withdraw the granting of a Taxicab Owner Permit to Mr. Francisco J. Solorio.

Mr. Mendelson made a closing statement on behalf of hsi client, Mr. Solorio, asking the Commission to let the previous decision stand and allow Mr. Solorio to be issued a permit which had been granted by the Commission.

The Police Commission took the matter under submission, after which the following resolution was adopted:

RESOLUTION NO. 864-84

REQUEST FOR RECONSIDERATION OF COMMISSION DECISION REGARDING TAXICAB OWNER PERMIT GRANTED TO FRANCISCO J. SOLORIO ON JUNE 14, 1984 - DENIED

WHEREAS, evidence was presented by the Police Department Permit Bureau staff that Mr. Francisco J. Solorio did not list on his application, which he filed under penalty of perjury, information which had a direct bearing and was relevant to the staff background investigation for the issuance of a Taxicab Owner Permit; and

WHEREAS, Mr. Francisco J. Solorio failed to list on his application any arrests or convictions which, had they been known, would have had a direct bearing and relevance to the staff investigation and recommendation on the granting of a Taxicab Owner Permit to Mr. Solorio; therefore be it

RESOLVED, that it is the order of the Police Commission that the Taxicab Owner Permit which had previously granted to Mr. Francisco J. Solorio on June 14, 1984 is hereby denied because the applicant did omit necessary and relevant information from his application, which had a direct bearing on the issuance of Mr. Solorio's Taxicab Owner Permit, be, and the same is hereby approved.

AYES: Commissioners Toler, Hsieh, Sanchez, Daly, Nelder

NOTIFICATION AND FILING OF CHARGES AGAINST PATROL SPECIAL OFFICER ALFREDO BALLESTEROS, MISSION POLICE DISTRICT

RESOLUTION NO. 869-84

WHEREAS, the date to be set for the disciplinary hearing of Patrol Special Officer Alfredo Ballesteros, Mission Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney for San Francisco Police Department, that the date for the hearing before the Police Commission be set for August 9, 1984; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Patrol Special Officer Alfredo Ballesteros, Mission Station, is set for Thursday, August 9, 1984 at 5:00 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Toler, Hsieh, Sanchez, Daly, Nelder

SETTING OF DATE FOR HEARING OF OFFICER EDWARD RUPPENSTEIN, SOUTHERN STATION

RESOLUTION NO. 868-84

WHEREAS, the date to be set for the disciplinary hearing of Police Officer Edward Ruppenstein, Southern Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. John Prentice, Attorney for Officer Edward Ruppenstein, that the date for hearing before the Police Commission be set for August 9, 1984; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Edward Ruppenstein, Southern Station, is set for Thursday, August 9, 1984 at 5:00 p.m. in Room 551, Hall of JUstice.

AYES: Commissioners Toler, Hsieh, Sanchez, Daly, Nelder

THE MEETING WAS THEN ADJOURNED AT 1900 HOURS

EDMUND PECINOVSKY
Acting Secretary
THE POLICE COMMISSION

THE SPECIAL POLICE COMMISSION MEETING OF AUGUST 8, 1984
WAS CANCELLED

LIEUTENANT WILLIE E. FRAZIER
SECRETARY
THE POLICE COMMISSION

9 AUGUST 1984 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers in Executive Session in Room 512, Hall of Justice, 850 Bryant Street, on Thursday, August 9, 1984 at 1630 hours.

PRESENT: Commissioners Nelder, Daly, Hsieh
ABSENT: Commissioners Sanchez, Toler

1. Personnel Matter.

2. Attorney-Client Conference.

Commissioner Nelder presiding.

9 AUGUST 1984 REGULAR SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, August 9, 1984 at 1700 hours in a Regular Session.

PRESENT: Commissioners Nelder, Daly, Hsieh
ABSENT: Commissioners Sanchez, Toler

Commissioner Nelder presiding.

APPROVAL OF CONSENT CALENDAR

RESOLUTION NO. 895-84

PETER SORGEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Peter Sorgen against the City and County of San Francisco in Superior Court Action No. 764-212 entitled, "Peter Sorgan vs. City and County of San Francisco, et al.," in the sum of $21,000.00 be, and the same is hereby approved.

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 896-84

LEBEDEE MAYBON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lebedee Maydon in the sum of $443.96 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 24, 1984

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 897-84

JAMES F. LAWLOR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James F. Lawlor in the sum of $685.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 26, 1983

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

REQUEST OF THE CHIEF OF POLICE THAT OFFICER LESLIE TOM, NARCOTICS, BE AUTHORIZED TO ATTEND THE NARCOTIC INVESTIGATION COURSE IN SACRAMENTO CA FROM SEPTEMBER 9 TO SEPTEMBER 21, 1984.

RESOLUTION 898-84

RECOMMENDATION OF THE CHIEF OF POLICE THAT OFFICER LESLIE TOM, NARCOTICS DETAIL, BE AUTHORIZED TO ATTEND THE NARCOTIC INVESTIGATION COURSE IN SACRAMENTO, CALIFORNIA FROM SEPTEMBER 9, 1984 TO SEPTEMBER 21, 1984

RESOLVED, that the recommendation of the Chief of Police that Officer Leslie Tom, Narcotics Detail, be authorized to attend the Narcotiv Investigation Course, conducted by the California Department of Justice in Sacramento, California from September 21, 1984; and be it further

RESOLVED, that expenses incurred in attending this course in the sum of $684.00 for subsistence and travel are reimbursable by P.O.S.T.

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

REQUEST OF THE CHIEF OF POLICE THAT SERGEANTS RAYMOND CARLSON AND PAUL FORSLIND, CRIME SCENE INVESTIGATION UNIT, BE AUTHORIZED TO ATTEND THE ADVANCED FINGERPRINT COURSE IN EUREKA CA FROM AUGUST 20 TO AUGUST 24, 1984.

RESOLUTION NO. 899-84

RESOLVED, that the recommendation of the Chief of Police that Sergeants Raymond Carlson and Paul Forslind, Crime Scene Investigation Unit be authorized to attend the Advanced Fingerprint Course conducted by the Federal Bureau of Investigation in Eureka, California from August 20 to August 24, 1984; and be it further

RESOLVED, that expenses incurred in attending this course in the amount of $433.00 for subsistence and travel are reimbursable by P.O.S.T.

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

NOTIFICATION FOR THE EMPLOYEES' RETIREMENT BOARD OF THE RETIREMENT OF THE FOLLOWING MEMBERS OF THE DEPARTMENT:

Kelvin R. Brown	Effective July 25, 1984
Joseph J. Mangan	" July 25, 1984
George W. Paulin	" July 25, 1984
Divid R. Winn	" July 25, 1984
Walter M. Ihle	" July 25, 1984
George M. Bonanno	" July 25, 1984
Homer M. Coreris	" July 25, 1984
Franklin O. Greer	" July 25, 1984
Lionel T. Hess	" July 25, 1984
Louis E. Hutzler	" July 25, 1984
George E. LaBrash	" July 25, 1984

POLICE COMMISSION REPORT

No Report.

CHIEF'S REPORT TO THE POLICE COMMISSION.

No Report.

SETTING OF DATE FOR HEARING OF OFFICER ALFREDO BALLESTEROS, MISSION STATION.

RESOLUTION NO. 886-84

HEARING OF PATROL SPECIAL OFFICER ALFREDO BALLESTEROS, MISSION POLICE DISTRICT (CONTINUED FROM MEETING OF NOVEMBER 1, 1984)

WHEREAS, the date to be set for this disciplinary hearing of Patrol Special Officer Alfredo Ballesteros, Mission Police District, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Michael E. Gash, Attorney for the San Francisco Police Department, that the hearing before the Police Commission be set for Thursday, January 3, 1985; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Patrol Special Officer Alfredo Ballesteros, Mission Police District, is set for Thursday, January 3, 1985 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

PUBLIC HEARING OF THE REVISION OF GENERAL ORDER F-1, "FIREARMS USE POLICY AND PROCEDURE." - APPROVED

RESOLUTION NO. 887-84

DEPARTMENT GENERAL ORDER F-1 "FIREARMS USE POLICY AND PROCEDURE" - APPROVED

RESOLVED, that the Police Commission hereby adopts Department General Order F-1, "Firearms Use Policy and Procedure."

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE COMMISSION ADOPT A RESOLUTION REGARDING HOLD HARMLESS AGREEMENTS FOR TRAINING PURPOSES. - APPROVED

RESOLUTION NO. 888-84

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE COMMISSION ADOPT A RESOLUTION REGARDING HOLD HARMLESS AGREEMENTS FOR TRAINING PURPOSES

WHEREAS, the State of California, Department of California Highway Patrol operates a motorcycle training program to which the San Francisco Police Department desires to send its employees; and

WHEREAS, the California Highway Patrol requires that a Training Agreement be entered into between the San Francisco Police Department and the California Highway Patrol which Training Agreement must include a clause under which the City and County of San Francisco agrees to hold harmless the State of California for injuries or damages caused by the negligence of San Francisco Police Department employees; and

WHEREAS, the San Francisco Police Department, acting by and through its Police Commission, has the need to enter into these agreements for motorcycle training from time to time; and

WHEREAS, absent prior authorization in the Admininstrative Code of the City and County of San Francisco, each and

Management Control Division (Label #2)

Exhibit #2 Transcript of Interview taken from Officer Ruppenstein on 06/30/84 by Management Control Division (Label #3)

Exhibit #3 Transcript

The following exhibits were entered into evidence by the Defense:

Exhibit #1 Photo depicting inside of a bathroom-possibly of the Rathskeller.

Exhibit #2 Photo depicting two urinals/in possibly the Rathskeller Bar.

Exhibit #3 Photo depicting front of Rathskeller Restaurant.

Exhibit #4 Photo depicting two urinals and two toliet stalls and a door.

Exhibit #5 Diagram of inside of Rathskeller Bar and Restaurant.

After listening to testimony from the above parties, the Commission then adjourned at 10:50 p.m. and the matter was continued to Tuesday, August 28, 1984 at 2:00 p.m. in Room 55, Hall of Justice.

Recesses taken during the Hearing of Officer Ruppenstein:

9:10 p.m. to 10:35 p.m.
9:20 p.m. to 10:42 p.m.

AYES: Commissioners Daly, Toler, Hsieh, Nelder
ABSENT: Commissioner Sanchez

(THE ENTIRE PROCEEDINGS WERE TAKEN SHORTHAND FORM BY MS. BONNIE MORTLEY, CSR.)

THE MEETING WAS THEN ADJOURNED AT 10:50 PM

LIEUTENANT WILLIE E. FRAZIER/SECRETARY
THE POLICE COMMISSION

Thursday, April 19, 1984; Thursday, April 26, 1984; Thursday, May 17, 1984; Monday, July, 23, 1984; Tuesday, August 14, 1984, as the dates for the hearings on Charges filed against Police Officer Leonard Jeong; and

WHEREAS, Chief of Police Cornelius P. Murphy, announced that the Police Department was in receipt of the resignation of Police Officer Leonard Jeong from the San Francisco Police Department; said resignation effective Monday, August 13, 1984, which resignation was accepted with the condition that the service of Police Officer Leonard Jeong have been unsatisfactory and that he does not resign in good standing; therefore be it

RESOLVED, that the charges of violating the Rules and Procedures of the San Francisco Police Department filed against Police Officer Leonard Jeong, be, and the same are hereby continued off calendar.

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

HEARING OF POLICE OFFICER EDWARD RUPPENSTEIN, SOUTHERN STATION.

RESOLUTION NO. 904-84

HEARING OF POLICE OFFICER EDWARD RUPPENSTEIN, SOUTHERN STATION

The Hearing of Police Officer Edward Ruppenstein, Southern Station, was called, it having been set for this date. Police Offficer Edward Ruppenstein was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Police Officer Edward Ruppenstein appeared in person and was represented by Mr. John Prentice, Attorney at Law.

Mr. Michael E. Gash, Attorney at Law, appeared as the Prosecutor for the San Francisco Police Department.

An opening statement was made by Mr. Michael Gash, for the Prosecution.

Opening statement was reserved by Mr. John Prentice, until the beginning of the Defense.

The following witnesses were called by the Prosecution, were sworn and testified:

Officer Michael Caplan	Potrero Station
Officer Juanita Stockwell	Ingleside Station
Officer Edward Edward Ruppenstein	Southern Station

The following exhibits were entered into evidence by the Prosecution:

Exhibit #1 Transcript of Interview taken from Officer Ruppenstein on 06/30/84 by

The following named witness was called by the Prosecuti

Officer Ernest C. Wilbergh Park Station

The following Exhibits were entered into evidence by the Defense:

Exhibit A - Diagrams of Bandstand in Golden Gate Park and immediate area (Dempsey #1)

Exhibit B - Letter from Assistant District Attorney John Carbone to Mr. Terence Hallinan, dated April 3, 1984 (regarding Way).

After listening to testimony from the above party, the Commission then adjourned at 6:00 p.m. and the matter was con ued to Thursday, August 23, 1984 at 2:00 p.m. in Room 551, Ha of Justice.

Recess taken during the Hearing of Officer Marty Way:

4:05 p.m. to 4:16 p.m.

HEARING OF POLICE OFFICER LEONARD JEONG, PROPERTY CONTROL.

RESOLUTION NO. 902-84

POLICE OFFICER LEONARD G. JEONG, SUPPORT SERVICES BUREAU/PROP CONTROL DIVISION (RESIGNED)

WHEREAS, on February 17, 1981, Cornelius P. Murphy, Chie of Police of the San Francisco Police Department, made and served charges against Police Officer Leonard G. Jeong, as follows:

SPECIFICATION NO. 1

Misconduct, failure to conduct himself in an officerlike manner and neglect of duty (violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to preserve the peace, prevent crime and eforce all criminal laws (violation of Section 2.03 of the rule and Procedures of the San Francisco Police Department);

SPECIFICATION NO. 3

Failure to make written report to his commanding officer of a crime or other occurrences of a police nature violation of Section 2.61 of the Rules and Procedures of the San Francisco Police Department);

SPECIFICATION NO. 4

Leaving his beat, detail or assignment without justifica (a violation of Section 9.19 of the Rules and Procedures o the San Francisco Police Department);

SPECIFICATION NO. 5

Drawing his firearm in a public place when not in the li of duty (violation of Section 14.07 of the Rules and Procedures of the San Francisco Police Department).

and

WHEREAS, the Police Commission set Wednesday, March 18, 19 Wednesday, April 29, 1981; Wednesday, June 10, 1981; Wednesday July 1, 1981, Wednesday, August 5, 1981; Wednesday, October 3, 1984; Wednesday, December 14, 1983; Wednesday February 29, 19

Exhibit B. Letter from Assistant District Attorney John Carbone to Mr. T. Hallinan, dated April 3, 1984 (Regarding Way)

After listening to testimony from the above witness, the Commission then adjourned at 6:00 p.m. and the matter was continued to August 23, 1984 at 2:00 p.m. in Room 551, Hall of Justice.

Recess taken during the Hearing of Officer Dempsey:

4:05 pm to 4:16 pm

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

HEARING OF POLICE OFFICER MARTY WAY, PROPERTY CONTROL.

RESOLUTION NO. 900-84

HEARING OF POLICE OFFICER MARTY L. WAY, SUPPORT SERVICES BUREAU/PROPERTY CONTROL DIVISION (CONTINUED FROM JULY 23, 1984)

The hearing of Police Officer Marty L. Way, Support Services Bureau/Property Control Division, was called it having been set for this date. Police Officer Marty Way was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Misconduct, failure to conduct himself in an officer-like manner and neglect of duty (violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to preserve the peace, prevent crime and enforce all criminal laws (violation of Section 2.03 of the Rules and Procedures of the San Francisco Police Department);

SPECIFICATION NO. 3

Failure to make written report to his commanding officer of a crime or other occurrences of a police nature (violation of Section 2.61 of the Rules and Procedures of the San Francisco Police Department);

SPECIFICATION NO. 4

Leaving his beat, detail or assignment without justification (a violation of Section 9.29 of the Rules and Procedures of the San Francisco Police Department).

in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Police Officer Marty Way appeared in person and was represented by Mr. Terence Hallinan, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared as the Prosecutor for the San Francisco Police Department.

14 AUGUST 1984 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Tuesday, August 14, 1984 at 1300 hours in Special Session.

PRESENT: Sanchez, Hsieh, Nelder
ABSENT: Daly, Toler

1. Personnel Matter

Commissioner Sanchez presiding

HEARING OF POLICE OFFICER KEVIN DEMPSEY, SSB COMMUNICATIONS.

RESOLUTION NO. 903-84

HEARING OF POLICE OFFICER KEVIN P. DEMPSEY, SUPPORT SERVICES DIVISION/COMMUNICATIONS (D-1)

The hearing of Police Officer Kevin P. Dempsey, Communi tions, was called, it having been set for this date. Police Officer Kevin Dempsey was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Misconduct - Failure to conduct himself in an officer-like manner, and Neglect of Duty (violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to preserve the peace, prevent crime and enforce all criminal laws (violation of Section 2.03 of the Rules and Procedures of the San Francisco Police Department);

SPECIFICATION NO. 3

Failure to make written report to his commanding officer of a crime or other occurrence of a police nature (violation of Section 2.61 of the Rules and Procedures of the San Francisco Police Department);

SPECIFICATION NO. 4

Leaving his beat, detail or assignment without justification (violation of Section 9.29 of the Rules and Procedures of the San Francisco Police Department).

in a properly verified complaint by Cornelius P. Murphy, Ch f of Police of the San Francisco Police Department.

Police Officer Kevin Dempsey, appeared in person and w represented by Mr. Stephen B. Bley, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared as the Prosecutor for the San Francisco Police Department.

The following named witness was called by the Prosecution:

Officer Ernest C. Wilbergh Park Station

The following exhibits were entered into evidence by the Defense:

Exhibit A. Diagram of bandstand in Golden Gate Park and immendiate area. (Dempsey No. 1

THE MEETING WAS THEN ADJOURNDED AT 6:15 PM

EDMUND PECINOVSKY
Acting Secretary
THE POLICE COMMISSION

Department and which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to answer questions asked by a superior truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Nickolas M. Repovich, Southern Station is set for Thursday, September 6, 1984 at 5:00 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 894-84

NOTIFICATION AND FILING OF AMENDED CHARGES AGAINST POLICE OFFICER MICHAEL F. O'NEILL, SOUTHERN STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Michael F. O'Neil, Southern Station, as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department and which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department and which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 3

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department and which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Michael F. O'Neill, Southern Station, is set for Thursday, August 23, 1984 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

HEARING OF POLICE OFFICER EDWARD RUPPENSTEIN, SOUTHERN STATION.

RESOLUTION NO. 890-84

SETTING OF DATE FOR HEARING OF OFFICER EDWARD RUPPENSTEIN SOUTHERN STATION

WHEREAS, the date to be set for the disciplinary hearing of Officer Edward Ruppenstein, Southern Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Michael E. Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing be set for Tuesday, August 14, 1984; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Officer Edward Ruppenstein, Southern station is set for Tuesday, August 14, 1984; at 7:00 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

REQUEST FROM CHIEF OF POLICE CORNELIUS P. MURPHY FOR A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF $10,941,821 TO FUND SWORN STANDARDIZATION FOR THE FISCAL YEAR 1984 - 85. - APPROVED

RESOLUTION NO. 891-84

RESOLVED, that The Police Commission hereby approves request for a supplemental appropriation in the amount of $10,941,821 to fund Sworn Salary Standardization for Fiscal Year 1984 - 85.

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

NOTIFICATION AND FILING OF CHARGES OF OFFICER LESLIE L. CHONG, INGLESIDE STATION

RESOLUTION NO. 892-84

WHEREAS, the date to be set for the disciplinary hearing of Officer Leslie L. Chong, Ingleside Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Michael E. Gash, Attorney for the San Francisco Police Department, that the hearing be set for Thursday, August 16, 1984; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Officer Leslie L. Chong, Ingleside Station is set for Thursday, August 16, 1984 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 893-84

POLICE OFFICER NICKOLAS M. REPOVICH, SOUTHERN STATION

WHEREAS, Charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Nickolas M. Repovich, Southern Station as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the

every time a member of the San Francisco Police Department is accepted for training at the California Highway Patrol Motorcycle Academy, approval of the Board of Supervisors of the agreement would be required, and

WHEREAS, the Police Department has the need from time to time to enter into agreements with other Governmental agencies and municipal corporations for training purposes, which agreements require that the City and County of San Francisco hold harmless the agency providing the facility, and

WHEREAS, the risk of liability involved in these training agreements is minimal, and

WHEREAS, Section 1.24 of the San Francisco Administrative Code already authorizes the Police Commission to enter into hold harmless agreements with the State of California and municipal corporations thereof for purposes of training.

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE COMMISSION APPROVED THE RESOLUTION AMENDING MPC SECTION 2.26 - "LOUDSPEAKER PERMIT APPLICATION FEE." M-D S-H - APPROVED

RESOLUTION NO. 1190-84

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION APPROVE AN AMENDMENT OF NON-COMMERCIAL LOUDSPEAKER PERMIT/MPC SECTION 2.26

WHEREAS, Legal Council has advised that we may not impose a fee that would place an unreasonable burden on the exercise of First Amendment Rights such as Freedom of Speech through the use of a amplified sound);

WHEREAS, we may not impose restrictions on, or unnecessarily delay the issuance of a Non-commercial Loudspeaker permit, and

WHEREAS, the Department has altered their procedures for investigating Non-commercial Loudspeaker requests and shortened the time spent on such investigations, thereby reducing costs, therefore be it

RESOLVED, that this Commission approves the attached Amendment to Municipal Police Code Section 2.26, which reduces the filing Fee paid for a Non-commercial Loudspeaker permit and recommends that the Board of Supervisors pass the Amendment.

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

THE POLICE COMMISSION MEETING OF AUGUST 16, 1984
WAS CANCELLED

LIEUTENANT WILLIE E. FRAZIER
SECRETARY
THE POLICE COMMISSION

23 AUGUST 1984 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers in Executive Session in Room 512, Hall of Justice, 850 Bryant Street, on Thursday, August 23, 1984 at 1400 hours.

PRESENT: Commissioners Sanchez, Nelder, Hsieh
ABSENT: Commissioners Toler, Daly

1. Personnel Matter.

2. Attorney-Client Conference.

Commissioner Sanchez presiding.

RESOLUTION NO. 910-84

HEARING OF POLICE OFFICER KEVIN P. DEMPSEY, SUPPORT SERVICES DIVISION/COMMUNICATIONS (D-1)

The hearing of Police Officer Kevin P. Dempsey, Support Services Division/Communications, was called it having been set for this date.

Police Officer Kevin Dempsey appeared in person and was represented by Mr. Stephen B. Bley, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared as the Prosecutor for the San Francisco Police Department.

The following named witness was called by the Prosecution:

Officer Ernest C. Wilberg Park Station

The following exhibit was entered into evidence by the Prosecution:

Exhibit #4 One (1) color photo (4x6) of parking area in rear of Golden Gate Park Bandstand.

The following exhibits were entered into evidence by the Defense:

Exhibit C Cassette tape of conversation between a Mr. Henry Hom and Inspector Christopher Weld.

Exhibit D Diagram of Golden Gate Park area of DeYoung Museum, Japanese Tea Garden, rear of Band Shell, prepared 10/27/83.

After listening to testimony from the above parties, the Commission then adjourned at 6:07 p.m. and the matter was continued to Thursday, September 13, 1984 at 5:30 p.m. in Room 551 Hall of Justice.

Recess taken during the hearing of Officer Kevin Dempsey:

4:20 p.m. to 4:30 p.m.

(THE ENTIRE PROCEEDINGS WERE TAKEN IN SHORTHAND FORM BY MS. LAURIE CREIGHTON, CSR.)

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 911-84

HEARING OF POLICE OFFICER KEVIN P. DEMPSEY, SUPPORT DIVISION/ COMMUNICATIONS (D-2)

The hearing of Police Officer Kevin P. Dempsey, Support Services Division/Communications, was called it having been set for this date.

Police Officer Kevin Dempsey appeared in person and was represented by Mr. Stephen B. Bley, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared as the San Francisco Police Department.

The following named witness was called by the Prosecution:

Officer Ernest C. Wilberg Park Station

The following exhibit was entered into evidence by the Prosecution:

Exhibit #4 One (1) color photo (4x6) of parking area in rear of Golden Gate Park Bandstand.

The following exhibits were entered into evidence by the Defense:

Exhibit C Cassette tape of conversation between a Mr. Henry Hom and Inspector Christopher Weld.

Exhibit D Diagram of Golden Gate Park area of DeYoung Museum. Japanese Tea Garden, rear of Band Shell, prepared 10/27/83.

Exhibit D Diagram of Golden Gate Park area of DeYoung Museum, Japanese Tea Garden, rear of Band Shell, prepared 10/27/83.

After listening to testimony from the above parties, the Commission then adjourned at 6:07 p.m. and the matter was continued to Thursday, September 13, 1984 at 5:30 p.m. in Room 551, Hall of Justice.

Recess taken during the hearing of Officer Kevin Dempsey:

4:20 p.m. to 4:30 p.m.

(THE ENTIRE PROCEEDINGS WERE TAKEN IN SHORTHAND FORM BY MS. LAURIE CREIGHTON, CSR.)

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

RESOLUTION NO. 909-84

HEARING OF OFFICER MARTY WAY, SUPPORT SERVICES BUREAU/ PROPERTY CONTROL DIVISION

The hearing of Police Officer Marty Way, Support Services Bureau/Property Control Division, was called it having been set for this date.

Police Officer Marty Way appeared in person and was represented by Mr. Terence Hallinan, Attorney at Law.

Mr. Jerry Akins, Attorney at Law, appeared as the Prosecutor for the San Francisco Police Department.

The following named witness was called by the Prosecution:

Officer Ernest C. Wilbergh Park Station

The following exhibit was entered into evidence by the Prosecution:

Exhibit #4 One (1) color photo (4x6) of parking area in rear of Golden Gate Park Bandstand.

The following exhibits were entered into evidence by the Defense:

Exhibit C Cassette tape of conversation between a Mr. Henry Hom and Inspector Christopher Weld.

Exhibit D Diagram of Golden Gate Park area of DeYoung Museum, Japanese Tea Garden, rear of Band Shell, prepared 10/27/83.

After listening to testimony from the above parties, the Commission then adjourned at 6:07 p.m. and the matter was continued to Thursday, September 13, 1984 at 5:30 p.m. in Room 551, Hall of Justice.

Recess taken during the hearing of Officer Marty Way:

4:20 p.m. to 4:30 p.m.

(THE ENTIRE PROCEEDINGS WERE TAKEN IN SHORTHAND FROM BY MS. LAURIE CREIGHTON, CSR.)

AYES: Commissioners Hsieh, Nelder, Sanchez
ABSENT: Commissioners Daly, Toler

23 AUGUST 1984 REGULAR SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, August 23, 1984 at 1730 hours in a Regular Session.

PRESENT: Commissioners Sanchez, Nelder, Hsieh, Daly
ABSENT: Commissioners Toler

Commissioner Sanchez presiding.

APPROVAL OF CONSENT CALENDAR

RECOMMENDATION OF THE TRAFFIC BUREAU ON THE INSTALLATION OF ZONING FOR THE REGULATION OF TRAFFIC ON THE PUBLIC STREETS.

1711 OAKDALE (OAKDALE) "ALL HALLOWS COMMUNITY" GRANT

At 1711 Oakdale Street, INSTALL 22' white from the east property line 22' west.

1435 SAN BRUNO (25TH ST) "APEX SHEET METAL" GRANT

At 1435 San Bruno Avenue, INSTALL 22' yellow zone from 46' to 68' south of the north building line.

1400 POST (GOUGH ST) "7 BROTHERS LIZUOR STORE" GRANT

At 1400 Post Street, INSTALL 22' Yellow from the east property line 22' west.

1000 FULTON STREET (STEINER) "ARCHBISHOPS MANION HOTEL" GRANT

At 1000 Fulton Street, INSTALL 45' White Zone from 38' to 83' west of Steiner.

1335 GUERRERO ST (25th ST)"KATHY MICHIELS SCHOOL" GRANT

At 1335 Guerrero Street, INSTALL 29' White Zone from 15' to 44' south of north property line of 1335 Grerrero.

25 BROADWAY STREET (DAVIS) "GOLDEN GATEWAY COMMONS" GRANT

At 25 Broadway Street, INSTALL 22' white from the south property line 22' north INSTALL 22' yellow from 22' to 44' north of the south property line.

25 BROADWAY STREET (FRONT) "GOLDEN GATEWAY COMMONS" GRANT

At 25 Broadway Street, INSTALL 10' red 96' south from north building line - INSTALL 22' white zone north at south building line - INSTALL 22' yellow zone 76' north from south building line.

75 BROADWAY STREET (BROADWAY) "GOLDEN GATEWAY COMMONS" GRANT

At 75 Broadway Street, INSTALL 44' white Zone 128' east of west building line.

1356 FULTON STREET (DIVISADERO) "S.F.P.D." REVOKE

At 1356 Fulton Street, REVOKE 25' white zone east of the west property line.

199 MOULTON (FILLMORE) "S.F.P.D." REVOKE

At 199 Moulton, REVOKE 54' yellow east from Fillmore Street.

UNIT BLOCK OF MORRIS (BRYANT - HARRISON)"S.F.P.D." REVOKE

At unit block of Morris, REVOKE 117' red north of light pole #05; 20' red north & South of driveway leading to parking lot; 80' red from 66' to 146' north of Bryant; 60' red from the center if gate leading to parking lot & extending north & south thereof.

875 HOWARD (5TH STREET) "S.F.P.D." REVOKE

At 875 Howard, REVOKE 50' yellow east and west of driveway. INSTALL two 1 hour parking meters.

2960 VAN NESS AVE (CHESTNUT) "S.F.P.D." REVOKE

At 2960 Van Ness, REVOKE 18' green south of the north building line.

500 STOCKTON (BUSH) "S.F.P.D." REVOKE

At 500 Stockton, REVOKE 21' White from 6' to 27' north of Bust Street.

1835 FRANKLIN (SACRAMENTO) "S.F.P.D." REVOKE

At 1835 Franklin Street, REVOKE Yellow south of north line.

601 ARLINGTON (WILDER) "S.F.P.D." REVOKE

At 601 Arlington Street, REVOKE 40' red from 10' to 50' south of light pole #61.

REVOKED

RESOLVED, that the recommendation of the Traffic Bureau on the revocation of 345 feet of green, blue, yellow, white zones at the parts of the City, at the locations submitted, be, and the same is hereby approved.

RECOMMENDATION OF THE CITY ATTORNEY FOR SETTLEMENT OF THE FOLLOWING CLAIMS AGAINST THE CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. 918-84

TYREE LORAINE WALKER vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement, of litigation of Tyree Loranine Walker in the sum of $2,500.00 in San Francisco Superior Court No. 796-15 entitled "Tyree Loraine Walker vs. City and County of San Francisco" as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 31, 1981

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Toler

RESOLUTION NO. 919-84

BENNY TAT KUEN YU

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Benny Tat Kuen Yu against the City and County of San Francisco in the sum of $2,400.00 as the result of damages be, and the same is hereby approved.

Date of Incident: October 31, 1983

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Toler

RESOLUTION NO. 920-84

ROBERT SHIN MAN YU

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert Shin Man Yu in the sum of $1,300.00 as the result of damages be, and the same is hereby approved.

Date of Incident: December 12, 1983

AYES: Commissioners Daly, Hsieh, Nelder,Sanchez
ABSENT: Commissioner Toler

RESOLUTION NO. 921-84

LAYNE AMIOT vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Layne Amiot in the sum of $1,211.40 in San Francisco Superior Court No. 823-897 entitled "Layne Amito vs. City and County of San Francisco" as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 14, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Toler

RESOLUTION NO. 923-84

ESTER BROOKS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ester Brooks in the sum of $165.41 as the result of damages be, and the same is hereby approved.

Date on Incident: May 30, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Toler

RESOLUTION NO. 924-84

GEORGE FUCHS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of George Fuchs in the sum of $193.56 as the result of damages, be, and the same is hereby approved.

Date of Incident: March 8, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Toler

RESOLUTION NO. 925-84

CAROLINE OMEARA

RESOLVED, that the recommendation of the City Attorney for settlement of the clai of Caroline Omeara in the sum of $740.25 as the result of damages be, and the same is hereby approved.

Date of Incident: March 17, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Toler

RESOLUTION NO. 926-84

RODOLFO M. CATO

RESOLVED, that the recommendation of the City Attorney for settlement of the clai of Rudolfo M. Cato in the sum of $400.00 as the result of damages be, and the same is hereby approved.

Date of Incident: January 9, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Toler

RESOLUTION NO. 927-84

FARMER'S INSURANCE & LOIDA BOVALING

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Farmer's Insurance & Loida Bovaling in the sum of $389.59 as the result of damages be, and the same is hereby approved.

Date of Incident: March 23, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Toler

RESOLUTION NO. 928-84

JEFFREY COCCO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jeffrey Cocco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 18, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Toler

RESOLUTION NO. 929-84

LAURA COPPER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Laura Cooper in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 25, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Toler

RESOLUTION NO. 930-84

MARY T. HILLIER

RESOLVED, that the recommmendation of the City Attorney for settlement of the claim of Mary T. Hillier in the sum $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 24, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Toler

RESOLUTION NO. 931-84

ANDREW J. MAYER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Andrew J. Mayer in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 20, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Toler

RESOLUTION NO. 917-84

LUMBERMAN'S MUTUAL CASUALTY CO. vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of "Lumberman's Mutual Casualty Co. in the sum of $1,166.00 in Municipal Court Action No. 854-921 entitled "Lumbermen's Mutual Casualty Co. v. Gleen M. Hardin, City and County of San Francisco "as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 5, 1982

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Toler

RECOMMENDATION OF THE CHIEF OF POLICE THAT DEPUTY CHIEF RICHARD TRUEB, ADMINISTRATION BUREAU, ATTEND THE LAW ENFORCEMENT EXECUTIVE SEMINAR - ETHICAL ISSUES IN LAW ENFORCEMENT. AUGUST 28th - 30th, 1984, IN RIVERSIDE, CALIFORNIA FUNDING BY P.O.S.T.

RESOLUTION NO. 932-84

AUTHORIZING DEPUTY CHIEF RICHARD TRUEB, ADMINISTRATION BUREAU, TO ATTEND LAW ENFORCEMENT EXECUTIVE SEMINAR ON ETHICAL ISSUES IN LAW ENFORCEMENT AT RIVERSIDE, CALIFORNIA FROM AUGUST 28 TO AUGUST 30, 1984

RESOLVED, that the recommendation of the Acting Chief of Police that Deputy Chief Richard Trueb, Administration Bureau, be authorized to attend the P.O.S.T. Law Enforcement, conducted by the Commission on Peace Officer Standards and Training in Riverside, California from August 28th to August 30, 1984, be, and the same is hereby approved, and be it further

RESOLVED, that expenses in the amount of $272.00 for subsistence and travel are reimbursable by P.O.S.T.

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Toler

RECOMMENDATION OF THE CHIEF OF POLICE THAT SERGEANT ALAN BENNER, RECRUITMENT UNIT, BE AUTHORIZED TO ATTEND THE NATIONAL SYMPOSIUM ON POLICE PSYCHOLOGICAL SERVICES, CONDUCTED BY THE FEDERAL BUREAU OF INVESTIGATION (FBI) IN QUANTICO, VIRGINIA FROM SEPTEMBER 17th TO SPETEMBER 21, 1984. ALL EXPENSES PAID BY THE FBI.

RESOLUTION NO. 933-84

AUTHORIZING SERGEANT ALAN BENNER, RECRUITMENT UNIT, TO ATTEND THE NATIONAL SYMPOSIUM OF POLICE PSYCHOLOGICAL SERVICES, IN QUANTICO, VIRGINIA FROM SEPTEMBER 17 TO SPETEMBER 21, 1984

RESOLVED, that the recommendation of the Chief of Police that Sergeant Alan Benner, Recruitment Unit, be authorized to attend the National Symposium on Police Psychological Services, conducted by the Federal Bureau of Investigation in Quantico, Virginia from September 17th to September 21, 1984, be, and the same is hereby approved; and be it further

RESOLVED, that all expenses will be paid by the Federal Bureau of Investigation at no cost to this Department.

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Toler

RECOMMENDATION OF THE CHIEF OF POLICE THAT SERGEANT DANIEL O'LEARY, MANAGEMENT CONTROL DIVISION AND SERGEANTS RENE LAPREVOTTE AND FRANK HARRINGTON, NARCOTICS DETAIL, BE AUTHORIZED TO ATTEND THE SPECIALIZED SURVEILLANCE EQUIPMENT TRAINING COURSE, CONDUCTED BY THE CALIFORNIA DEPARTMENT OF JUSTICE IN SACRAMENTO, CALIFORNIA FROM SEPTEMBER 24 TO 28, 1984. EXPENSES IN THE AMOUNT OF $342.00 EACH FOR SUBSISTENCE AND TRAVEL REIMBURSABLE BY P.O.S.T.

RESOLUTION NO. 934-84

AUTHORIZING SERGEANT DANIEL O'LEARY, MANAGEMENT CONTROL DIVISION AND SERGEANTS RENE LaPREVOTTE AND FRANK HARRINGTON, NARCOTICS DETAIL, TO ATTEND SPECIALIZED SURVEILLANCE EQUIPMENT TRAINING COURSE, SACRAMENTO, CALIFORNIA FROM SEPTEMBER 24 TO SEPTEMBER 28, 1984

RESOLVED, that the recommendation of the Chief of Police that Sergeant Daniel O'Leary, Management Control Division, and Sergeants Rene LaPrevotte and Frank Harrington, Narcotics Detail, be authorized to attend the Specialized Surveillance EquipmentTraining Course, conducted by California Department of Justice in Sacramento, California from September 24 to September 28, 1984, be, and the same is hereby approved; and be it further

RESOLVED, that expenses in the amount of $342.00 each for subsitence and travel are reimbursable by P.O.S.T.

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Toler

RECOMMENDATION OF THE CHIEF OF POLICE THAT TEN (10) FBI NATIONAL ACADEMY GRADUATES IN OUR DEPARTMENT BE AUTHORIZED TO ATTEND THE FBI NATIONAL ACADEMY ASSOCIATES TRAINING SESSION, CONDUCTED BY THE FBI IN MILLBRAE, CALIFORNIA FROM SEPTEMBER 30th TO OCTOBER 2, 1984. EXPENSES IN THE AMOUNT OF $60.00 EACH FOR TUITION WILL BE DEFRAYED FROM THE DEPARTMENT TRAINING FUND.

RESOLUTION NO. 935-84

AUTHORIZING ATTENDANCE OF TEN (10) FBI NATIONAL ACADEMY GRADUATES AT FBI NATIONAL ACADEMY ASSOCIATES TRAINING SESSION AT MILLBRAE, CALIFORNIA FROM SEPTEMBER 30 TO OCTOBER 2, 1984

RESOLVED, that the recommendation of the Chief of Police that ten (1) FBI National Academy Graduates in our Department be authorized to attend the FBI National Academy Associates Training Session, conduced by the Federal Bureau of Investigations in Millbrae, California from September 30 to October 2, 1984, be, and the same is hereby approved; and be it further

RESOLVED, that expenses in the amount of $60.00 each for tuition will be defrayed from the Department Training Fund.

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Toler

RECOMMENDATION OF THE CHIEF OF POLICE THAT OFFICER LAWRENCE RYAN, POLICE ACADEMY, BE AUTHORIZED TO ATTEND THE BACKGROUND INVESTIGATION COURSE CONDUCTED BY THE NORTHERN CALIFORNIA CRIMINAL JUSTICE TRAINING & EDUCATION SYSTEM IN SANTA ROSA, CALIFORNIA FROM SEPTEMBER 10th TO SEPTEMBER 13, 1984. EXPENSES IN THE AMOUNT OF $295.80 FOR SUBSISTENCE, TRAVEL AND TUITION ARE REIMBURSABLE BY P.O.S.T.

RESOLUTION NO. 936-84

AUTHORIZING OFFICER LAWRENCE RYAN, POLICE ACADEMY, TO ATTEND BACKGROUND INVESTIGATION COURSE AT SANTA ROSA, CALIFORNIA FROM SEPTEMBER 10 TO SEPTEMBER 13, 1984

RESOLVED, that the recommendation of the Chief of Police that Officer Lawrence Ryan, Police Academy, be authorized to attend the Background Investigation Course conducted by the Northern California Criminal Justice Training and Education System in Santa Rosa, California from September 10 to September 13, 1984, be, and the same is hereby approved; and be it further

RESOLVED, that expenses in the amount of $295.80 for subsistence, travel and tuition are reimbursable by P.O.S.T.

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Toler

RECOMMENDATION OF THE CHIEF OF POLICE THAT OFFICER JEROME SENKIR, POLICE ACADEMY, BE AUTHORIZED TO ATTEND THE 1984 REPORT WRITING FOR INSTRUCTORS COURSE CONDUCTED BY MR. BRUCE T. OLSEN, PH.D., IN SANTA ROSA, CALIFORNIA FROM SEPTEMBER 25th TO SEPTEMBER 28, 1984. EXPENSES IN THE AMOUNT OF $456.80 FOR TUITION, SUBSISTENCE AND TRAVEL ARE REIMBURSABLE BY P.O.S.T.

RESOLUTION NO. 937-84

AUTHORIZING OFFICER JEROME SENKIR, POLICE ACADEMY, TO ATTEND THE 1984 REPORT WRITING FOR INSTRUCTORS COURSE AT SANTA ROSA, CALIFORNIA FROM SEPTEMBER 25 TO SEPTEMBER 28, 1984

RESOLVED, that the recommendation of the Chief of Police that Police Officer Jerome Senker, Police Academy, be authorized to attend the 1984 Report Writing for Instructors Course conducted by Mr. Bruce T. Olson, Ph. D., in Santa Rosa, California from September 25 to September 28, 1984, be, and the same is hereby approved; and be it further

RESOLVED, that expenses in the amount of $456.80 for tuition, subsistence and travel are reimbursable by P.O.S.T.

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Toler

REQUEST FOR APPROVAL OF TRAVEL EXPENSE VOUCHER SUBMITTED BY OFFICER MICHAEL BOYD, FOR NARCOTICS TRAINING AT CLANDESTINE DRUG LABORATORY IN SACRAMENTO, CALIFORNIA, JULY 24th TO JULY 26, 1984.

RESOLUTION NO. 938-84

TRAVELING EXPENSE VOUCHERS - APPROVED

RESOLVED, that the Traveling Expense Voucher submitted by the following named member of the Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved.

Officer Michael Boyd $226.00 (Narcotics Training
(Sacramento, California
(7/24/84 - 7/26/84

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Toler

REQUEST FOR APPROVAL OF TRAVEL EXPENSE VOUCHER SUBMITTED BY OFFICER JOHN BLESSING, FOR NARCOTICS TRAINING AT CLANDESTINE DRUG LABORATORY IN SACRAMENTO, CALIFORNIA, JULY 24 TO JULY 26, 1984

RESOLUTION NO. 939-84

RESOLVED, that the Traveling Expense Voucher submitted by the following named member of the Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved.

Officer John Blessing	$226.00	(Narcotics Training (Sacramento, California (7/24/84 - 7/26/84

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez
ABSENT: Commissioners Toler

REQUEST FOR APPROVAL OF TRAVEL EXPENSE VOUCHER SUBMITTED BY CAPTAIN HENRY EIDLER FOR AUTOMATIC FINGERPRINT INDENTIFICATION SYSTEM COURSE IN MONTGOMERY/PRINCE GEORGES COUNTRIES, MARYLAND, JULY 5th TO JULY 8, 1984.

RESOLUTION NO. 940-84

RESOLVED, that the Traveling Expense Voucher submitted by the following named member of the Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved.

Captain Henry Eidler	$261.53	(Automatic Fingerprint (Identification System (Course, Montgomery/ Prince (George Countries, Maryland (7/5/84 - 7/8/84

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Toler

REQUEST FOR A SUPPLEMENTAL APPROPRIATION AMOUNTING TO $2,000,000, FOR NIGHT DIFFERENTIAL FOR SWORN OFFICERS.

RESOLUTION NO. 922-84

REQUEST FOR SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF $2,000,000 FOR NIGHT DIFFERENTIAL FOR SWORN OFFICERS

RESOLVED, that the Police Commission hereby approves the supplemental appropriation in the amount of $2,000,000 for nogjt differential for sworn officers for Fiscal Year 1984-85.

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Toler

POLICE COMMISSION REPORT

Commissioner Sanchez said the Commission met in Executive Session under the Brown Act and no vote was taken.

Commissioner Hsieh said the Commission had not had approval of minutes on the calendar for some time. He said he would like to suggest that that become a standard format. Commissioner Hsieh said that he would so move that this be done. Commissioner Nelder seconded and it was unanimously approved.

Commissioner Sanchez said that he had numberours letters, and phone calls again about the fact that in residential areas particularly that there are many many vechiles parked with all four wheels on the sidewalk. He said he walked around the area where the vehicles were parked and for al-most two

full blocks there were approximately 17 vehicles literally parked on the sidewalk where a pedestrian could walk only in the street or as close to the curb as possible. He said it is not just in one area but it is city wide. He said he would like the Department to re-issue the previous information bulletin regarding the enforcement of this violation.

CHIEF'S REPORT TO THE POLICE COMMISSION.

Deputy Chief Eimil, Acting Chief of Police, said that the Chief was still on vacation and would return shortly.

SETTING OF DATE FOR HEARING OF OFFICER LESLIE CHONG, , INGLESIDE STATION.

RESOLUTION NO. 913-84

SETTING OF DATE FOR HEARING OF OFFICER LESLIE CHONG, INGLESIDE STATION

WHEREAS, the date to be set for the disciplinary hearing of Police Officer Leslie Chong, Ingleside Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Charles G. Ogulnik, attorney for Officer Chong, that the date for the hearing before the Police Commission be set for September 27, 1984, therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Leslie Chong, Ingleside Station, is set for Thursday, September 27, 1984, at 5:30 p.m. in Room 551, Hall of Jutice.

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Toler

HEARING OF SERGEANT LAYNE AMIOT, NORTHERN STATION

Commissioner Sanchez said that the fact there was agreat deal of testimony in this matter, the Commission wishes the department to review it and remand it back to the Chief for his further consideration. If the Chief and the Legal division feels, after such review, that the Commission should proceed with it then it will be rescheduled for hearing.

SETTING OF DATE FOR HEARING OF POLICE OFFICER THOMAS J. LOVRIN, INGLESIDE STATION

RESOLUTION NO. 907-84

WHEREAS, the date to be set for the disciplinary hearing of Police Officer Thomas J. Lovrin, Ingleside Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Michael E. Gash, Attorney at Law representing the San Francisco Police Department, that the date for setting of the hearing before the Police Commission be set for August 30, 1984; therefore be it

RESOLVED, that the date for setting of the hearing of the disciplinary charges filed against Police Officer Thomas J. Lovrin, Ingleside Station, is set for Thursday, August 30, 1984, at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Toler

HEARING OF DONALD RAMIREZ, CENTRAL STATION

RESOLUTION NO. 912-84

WHEREAS, the hearing of Police Officer Donald R. Ramirez, Central Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Jerry Akins, attorney for the San Francisco Police Department, that the matter be continued to August 30, 1984; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Donald R. Ramirez, Central Station, is continued to Thursday, August 30, 1984, at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Toler

HEARING OF OFFICER MICHAEL O'NEILL, SOUTHERN STATION

Mr. John Prentice, Officer O'Neill's attorney said he would like to apologize to the Commission for Officer O'Neill's absence and that he had heard yesterday afternoon that Officer O'Neill had entered the Garden Sullivan Hospital for treatment. He said the Officer's wife is here and that his family and friends had advised the Officer to go into the hospital as his condition was not good. He said based upon that he would ask the Commission for a continuance at this time.

Commissioner Sanchez said that the Commission has noted that in a couple of these cases, just as they are about to begin, there have been those officers who have suddenly requested in patient treatment/48 hours before their hearings are to start. He said he was not saying that it is good, bad, or indifferent but that he would hope that if there is an illness that it is recognized at a much earlier time and the Commission is made aware of it or the Department is made aware of it.

Commissioner Daly then asked if it would be possible for Garden Sullivan to send the Commission some kind of packet on the type of program being discussed for the officer and as to how it differs from the Department's program.

Mr. Prentice said the program that most officers have opted to get into begins at 8:00 a.m. and continues through to 10:00 P.m. at night. He said they are allowed to go home at that time but must return at 8:00 a.m. the following morning.

Commissioner Nelder after listening to further discussion moved that the matter be continued for one week with the provision that the Commission will proceed at 5:30 on the 30th August and that Mr. Prentice and his client is put on notice that the Commission simply has to proceed in that they cannot operate a police department by continuing these matters into eternity.

Commissioner Hsieh said he would agree to but sees this only as a one time occurrence and does not want to see this as setting a precedent. He then seconded the motion. The motion was unanimously approved.

1000 FULTON STREET (STEINER) "ARCHBISHOPS MANION HOTEL" GRANT

At 1000 Fulton Street, INSTALL 45' White Zone from 38' to 83' west of Steiner.

1335 GUERRERO ST (25th ST)"KATHY MICHIELS SCHOOL" GRANT

At 1335 Guerrero Street, INSTALL 29' White Zone from 15' to 44' south of north property line of 1335 Grerrero.

25 BROADWAY STREET (DAVIS) "GOLDEN GATEWAY COMMONS" GRANT

At 25 Broadway Street, INSTALL 22' white from the south property line 22' north INSTALL 22' yellow from 22' to 44' north of the south property line.

25 BROADWAY STREET (FRONT) "GOLDEN GATEWAY COMMONS" GRANT

At 25 Broadway Street, INSTALL 10' red 96' south from north building line - INSTALL 22' white zone north at south building line - INSTALL 22' yellow zone 76' north from south building line.

75 BROADWAY STREET (BROADWAY) "GOLDEN GATEWAY COMMONS" GRANT

At 75 Broadway Street, INSTALL 44' white Zone 128' east of west building line.

1356 FULTON STREET (DIVISADERO) "S.F.P.D." REVOKE

At 1356 Fulton Street, REVOKE 25' white zone east of the west property line.

199 MOULTON (FILLMORE) "S.F.P.D." REVOKE

At 199 Moulton, REVOKE 54' yellow east from Fillmore Street.

UNIT BLOCK OF MORRIS (BRYANT - HARRISON)"S.F.P.D." REVOKE

At unit block of Morris, REVOKE 117' red north of light pole #05; 20' red north & South of driveway leading to parking lot; 80' red from 66' to 146' north of Bryant; 60' red from the center if gate leading to parking lot & extending north & south thereof.

875 HOWARD (5TH STREET) "S.F.P.D." REVOKE

At 875 Howard, REVOKE 50' yellow east and west of driveway. INSTALL two 1 hour parking meters.

2960 VAN NESS AVE (CHESTNUT) "S.F.P.D." REVOKE

At 2960 Van Ness, REVOKE 18' green south of the north building line.

500 STOCKTON (BUSH) "S.F.P.D." REVOKE

At 500 Stockton, REVOKE 21' White from 6' to 27' north of Bust Street.

1835 FRANKLIN (SACRAMENTO) "S.F.P.D." REVOKE

At 1835 Franklin Street, REVOKE Yellow south of north line.

601 ARLINGTON (WILDER) "S.F.P.D." REVOKE

At 601 Arlington Street, REVOKE 40' red from 10' to 50' south of light pole #61.

REVOKED

RESOLVED, that the recommendation of the Traffic Bureau on the revocation of 345 feet of green, blue, yellow, white zones at the parts of the City, at the locations submitted, be, and the same is hereby approved.

RECOMMENDATION OF THE CITY ATTORNEY FOR SETTLEMENT OF THE FOLLOWING CLAIMS AGAINST THE CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. 918-84

TYREE LORAINE WALKER vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement, of litigation of Tyree Loranine Walker in the sum of $2,500.00 in San Francisco Superior Court No. 796-15 entitled "Tyree Loraine Walker vs. City and County of San Francisco" as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 31, 1981

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Toler

RESOLUTION NO. 919-84

BENNY TAT KUEN YU

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Benny Tat Kuen Yu against the City and County of San Francisco in the sum of $2,400.00 as the result of damages be, and the same is hereby approved.

Date of Incident: October 31, 1983

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Toler

RESOLUTION NO. 920-84

ROBERT SHIN MAN YU

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert Shin Man Yu in the sum of $1,300.00 as the result of damages be, and the same is here by approved.

Date of Incident: December 12, 1983

AYES: Commissioners Daly, Hsieh, Nelder,Sanchez
ABSENT: Commissioner Toler

RESOLUTION NO. 921-84

LAYNE AMIOT vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Layne Amiot in the sum of $1,211.40 in San Francisco Superior Court No. 823-897 entitled "Layne Amito vs. City and County of San Francisco" as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 14, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Toler

RESOLUTION NO. 923-84

ESTER BROOKS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ester Brooks in the sum of $165.41 as the result of damages be, and the same is hereby approved.

Date on Incident: May 30, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Toler

RESOLUTION NO. 924-84

GEORGE FUCHS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of George Fuchs in the sum of $193.56 as the result of damages, be, and the same is hereby approved.

Date of Incident: March 8, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Toler

RESOLUTION NO. 925-84

CAROLINE OMEARA

RESOLVED, that the recommendation of the City Attorney for settlement of the clai of Caroline Omeara in the sum of $740.25 as the result of damages be, and the same is hereby approved.

Date of Incident: March 17, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Toler

RESOLUTION NO. 926-84

RODOLFO M. CATO

RESOLVED, that the recommendation of the City Attorney for settlement of the clai of Rudolfo M. Cato in the sum of $400.00 as the result of damages be, and the same is hereby approved.

Date of Incident: January 9, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Toler

RESOLUTION NO. 927-84

FARMER'S INSURANCE & LOIDA BOVALING

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Farmer's Insurance & Loida Bovaling in the sum of $389.59 as the result of damages be, and the same is hereby approved.

Date of Incident: March 23, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Toler

RESOLUTION NO. 928-84

JEFFREY COCCO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jeffrey Cocco in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 18, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Toler

RESOLUTION NO. 929-84

LAURA COPPER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Laura Cooper in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 25, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Toler

RESOLUTION NO. 930-84

MARY T. HILLIER

RESOLVED, that the recommmendation of the City Attorney for settlement of the claim of Mary T. Hillier in the sum $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 24, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Toler

RESOLUTION NO. 931-84

ANDREW J. MAYER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Andrew J. Mayer in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 20, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Toler

RESOLUTION NO. 917-84

LUMBERMAN'S MUTUAL CASUALTY CO. vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of "Lumberman's Mutual Casualty Co. in the sum of $1,166.00 in Municipal Court Action No. 854-921 entitled "Lumbermen's Mutual Casualty Co. v. Gleen M. Hardin, City and County of San Francisco "as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 5, 1982

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Toler

RECOMMENDATION OF THE CHIEF OF POLICE THAT DEPUTY CHIEF RICHARD TRUEB, ADMINISTRATION BUREAU, ATTEND THE LAW ENFORCEMENT EXECUTIVE SEMINAR - ETHICAL ISSUES IN LAW ENFORCEMENT. AUGUST 28th - 30th, 1984, IN RIVERSIDE, CALIFORNIA FUNDING BY P.O.S.T.

RESOLUTION NO. 932-84

AUTHORIZING DEPUTY CHIEF RICHARD TRUEB, ADMINISTRATION BUREAU, TO ATTEND LAW ENFORCEMENT EXECUTIVE SEMINAR ON ETHICAL ISSUES IN LAW ENFORCEMENT AT RIVERSIDE, CALIFORNIA FROM AUGUST 28 TO AUGUST 30, 1984

RESOLVED, that the recommendation of the Acting Chief of Police that Deputy Chief Richard Trueb, Administration Bureau, be authorized to attend the P.O.S.T. Law Enforcement, conducted by the Commission on Peace Officer Standards and Training in Riverside, California from August 28th to August 30, 1984, be, and the same is hereby approved, and be it further

RESOLVED, that expenses in the amount of $272.00 for subsistence and travel are reimbursable by P.O.S.T.

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Toler

RECOMMENDATION OF THE CHIEF OF POLICE THAT SERGEANT ALAN BENNER, RECRUITMENT UNIT, BE AUTHORIZED TO ATTEND THE NATIONAL SYMPOSIUM ON POLICE PSYCHOLOGICAL SERVICES, CONDUCTED BY THE FEDERAL BUREAU OF INVESTIGATION (FBI) IN QUANTICO, VIRGINIA FROM SEPTEMBER 17th TO SPETEMBER 21, 1984. ALL EXPENSES PAID BY THE FBI.

RESOLUTION NO. 933-84

AUTHORIZING SERGEANT ALAN BENNER, RECRUITMENT UNIT, TO ATTEND THE NATIONAL SYMPOSIUM OF POLICE PSYCHOLOGICAL SERVICES, IN QUANTICO, VIRGINIA FROM SEPTEMBER 17 TO SPETEMBER 21, 1984

RESOLVED, that the recommendation of the Chief of Police that Sergeant Alan Benner, Recruitment Unit, be authorized to attend the National Symposium on Police Psychological Services, conducted by the Federal Bureau of Investigation in Quantico, Virginia from September 17th to September 21, 1984, be, and the same is hereby approved; and be it further

RESOLVED, that all expenses will be paid by the Federal Bureau of Investigation at no cost to this Department.

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Toler

RECOMMENDATION OF THE CHIEF OF POLICE THAT SERGEANT DANIEL O'LEARY, MANAGEMENT CONTROL DIVISION AND SERGEANTS RENE LAPREVOTTE AND FRANK HARRINGTON, NARCOTICS DETAIL, BE AUTHORIZED TO ATTEND THE SPECIALIZED SURVEILLANCE EQUIPMENT TRAINING COURSE, CONDUCTED BY THE CALIFORNIA DEPARTMENT OF JUSTICE IN SACRAMENTO, CALIFORNIA FROM SEPTEMBER 24 TO 28, 1984. EXPENSES IN THE AMOUNT OF $342.00 EACH FOR SUBSISTENCE AND TRAVEL REIMBURSABLE BY P.O.S.T.

RESOLUTION NO. 934-84

AUTHORIZING SERGEANT DANIEL O'LEARY, MANAGEMENT CONTROL DIVISIO AND SERGEANTS RENE LaPREVOTTE AND FRANK HARRINGTON, NARCOTICS DETAIL, TO ATTEND SPECIALIZED SURVEILLANCE EQUIPMENT TRAINING COURSE, SACRAMENTO, CALIFORNIA FROM SEPTEMBER 24 TO SEPTEMBER 28, 1984

RESOLVED, that the recommendation of the Chief of Police that Sergeant Daniel O'Leary, Management Control Division, and Sergeants Rene LaPrevotte and Frank Harrington, Narcotics Detail, be authorized to attend the Specialized Surveillance EquipmentTraining Course, conducted by California Department of Justice in Sacramento, California from September 24 to September 28, 1984, be, and the same is hereby approved; and be it further

RESOLVED, that expenses in the amount of $342.00 each for subsitence and travel are reimbursable by P.O.S.T.

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Toler

RECOMMENDATION OF THE CHIEF OF POLICE THAT TEN (10) FBI NATIONAL ACADEMY GRADUATES IN OUR DEPARTMENT BE AUTHORIZED TO ATTEND THE FBI NATIONAL ACADEMY ASSOCIATES TRAINING SESSION, CONDUCTED BY THE FBI IN MILLBRAE, CALIFORNIA FROM SEPTEMBER 30th TO OCTOBER 2, 1984. EXPENSES IN THE AMOUNT OF $60.00 EACH FOR TUITION WILL BE DEFRAYED FROM THE DEPARTMENT TRAINING FUND.

RESOLUTION NO. 935-84

AUTHORIZING ATTENDANCE OF TEN (10) FBI NATIONAL ACADEMY GRADUATES AT FBI NATIONAL ACADEMY ASSOCIATES TRAINING SESSION AT MILLBRAE, CALIFORNIA FROM SEPTEMBER 30 TO OCTOBER 2, 1984

RESOLVED, that the recommendation of the Chief of Police that ten (1) FBI National Academy Graduates in our Department be authorized to attend the FBI National Academy Associates Training Session, conduced by the Federal Bureau of Investigations in Millbrae, California from September 30 to October 2, 1984, be, and the same is hereby approved; and be it further

RESOLVED, that expenses in the amount of $60.00 each for tuition will be defrayed from the Department Training Fund.

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Toler

RECOMMENDATION OF THE CHIEF OF POLICE THAT OFFICER LAWRENCE RYAN, POLICE ACADEMY, BE AUTHORIZED TO ATTEND THE BACKGROUND INVESTIGATION COURSE CONDUCTED BY THE NORTHERN CALIFORNIA CRIMINAL JUSTICE TRAINING & EDUCATION SYSTEM IN SANTA ROSA, CALIFORNIA FROM SEPTEMBER 10th TO SEPTEMBER 13, 1984. EXPENSES IN THE AMOUNT OF $295.80 FOR SUBSISTENCE, TRAVEL AND TUITION ARE REIMBURSABLE BY P.O.S.T.

RESOLUTION NO. 936-84

AUTHORIZING OFFICER LAWRENCE RYAN, POLICE ACADEMY, TO ATTEND BACKGROUND INVESTIGATION COURSE AT SANTA ROSA, CALIFORNIA FROM SEPTEMBER 10 TO SEPTEMBER 13, 1984

RESOLVED, that the recommendation of the Chief of Police that Officer Lawrence Ryan, Police Academy, be authorized to attend the Background Investigation Course conducted by the Northern California Criminal Justice Training and Education System in Santa Rosa, California from September 10 to September 13, 1984, be, and the same is hereby approved; and be it further

RESOLVED, that expenses in the amount of $295.80 for subsistence, travel and tuition are reimbursable by P.O.S.T.

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Toler

RECOMMENDATION OF THE CHIEF OF POLICE THAT OFFICER JEROME SENKIR, POLICE ACADEMY, BE AUTHORIZED TO ATTEND THE 1984 REPORT WRITING FOR INSTRUCTORS COURSE CONDUCTED BY MR. BRUCE T. OLSEN, PH.D., IN SANTA ROSA, CALIFORNIA FROM SEPTEMBER 25th TO SEPTEMBER 28, 1984. EXPENSES IN THE AMOUNT OF $456.80 FOR TUITION, SUBSISTENCE AND TRAVEL ARE REIMBURSABLE BY P.O.S.T.

RESOLUTION NO. 937-84

AUTHORIZING OFFICER JEROME SENKIR, POLICE ACADEMY, TO ATTEND THE 1984 REPORT WRITING FOR INSTRUCTORS COURSE AT SANTA ROSA, CALIFORNIA FROM SEPTEMBER 25 TO SEPTEMBER 28, 1984

RESOLVED, that the recommendation of the Chief of Police that Police Officer Jerome Senker, Police Academy, be authorized to attend the 1984 Report Writing for Instructors Course conducted by Mr. Bruce T. Olson, Ph. D., in Santa Rosa, California from September 25 to September 28, 1984, be, and the same is hereby approved; and be it further

RESOLVED, that expenses in the amount of $456.80 for tuition, subsistence and travel are reimbursable by P.O.S.T.

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Toler

REQUEST FOR APPROVAL OF TRAVEL EXPENSE VOUCHER SUBMITTED BY OFFICER MICHAEL BOYD, FOR NARCOTICS TRAINING AT CLANDESTINE DRUG LABORATORY IN SACRAMENTO, CALIFORNIA, JULY 24th TO JULY 26, 1984.

RESOLUTION NO. 938-84

TRAVELING EXPENSE VOUCHERS - APPROVED

RESOLVED, that the Traveling Expense Voucher submitted by the following named member of the Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved.

Officer Michael Boyd	$226.00	(Narcotics Training (Sacramento, California (7/24/84 - 7/26/84

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Toler

REQUEST FOR APPROVAL OF TRAVEL EXPENSE VOUCHER SUBMITTED BY OFFICER JOHN BLESSING, FOR NARCOTICS TRAINING AT CLANDESTINE DRUG LABORATORY IN SACRAMENTO, CALIFORNIA, JULY 24 TO JULY 26, 1984

RESOLUTION NO. 939-84

RESOLVED, that the Traveling Expense Voucher submitted by the following named member of the Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved.

Officer John Blessing	$226.00	(Narcotics Training (Sacramento, California (7/24/84 - 7/26/84

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez
ABSENT: Commissioners Toler

REQUEST FOR APPROVAL OF TRAVEL EXPENSE VOUCHER SUBMITTED BY CAPTAIN HENRY EIDLER FOR AUTOMATIC FINGERPRINT INDENTIFICATION SYSTEM COURSE IN MONTGOMERY/PRINCE GEORGES COUNTRIES, MARYLAND, JULY 5th TO JULY 8, 1984.

RESOLUTION NO. 940-84

RESOLVED, that the Traveling Expense Voucher submitted by the following named member of the Police Department for expenses incurred in attending the below indicated program, be, and the same is hereby approved.

Captain Henry Eidler	$261.53	(Automatic Fingerprint (Identification System (Course, Montgomery/ Prince (George Countries, Maryland (7/5/84 - 7/8/84

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Toler

REQUEST FOR A SUPPLEMENTAL APPROPRIATION AMOUNTING TO $2,000,000, FOR NIGHT DIFFERENTIAL FOR SWORN OFFICERS.

RESOLUTION NO. 922-84

REQUEST FOR SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF $2,000,000 FOR NIGHT DIFFERENTIAL FOR SWORN OFFICERS

RESOLVED, that the Police Commission hereby approves the supplemental appropriation in the amount of $2,000,000 for nogjt differential for sworn officers for Fiscal Year 1984-85.

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Toler

POLICE COMMISSION REPORT

Commissioner Sanchez said the Commission met in Executive Session under the Brown Act and no vote was taken.

Commissioner Hsieh said the Commission had not had approval of minutes on the calendar for some time. He said he would like to suggest that that become a standard format. Commissioner Hsieh said that he would so move that this be done. Commissioner Nelder seconded and it was unanimously approved.

Commissioner Sanchez said that he had numberours letters, and phone calls again about the fact that in residential areas particularly that there are many many vechiles parked with all four wheels on the sidewalk. He said he walked around the area where the vehicles were parked and for al-most two

full blocks there were approximately 17 vehicles literally parked on the sidewalk where a pedestrian could walk only in the street or as close to the curb as possible. He said it is not just in one area but it is city wide. He said he would like the Department to re-issue the previous information bulletin regarding the enforcement of this violation.

CHIEF'S REPORT TO THE POLICE COMMISSION.

Deputy Chief Eimil, Acting Chief of Police, said that the Chief was still on vacation and would return shortly.

SETTING OF DATE FOR HEARING OF OFFICER LESLIE CHONG, , INGLESIDE STATION.

RESOLUTION NO. 913-84

SETTING OF DATE FOR HEARING OF OFFICER LESLIE CHONG, INGLESIDE STATION

WHEREAS, the date to be set for the disciplinary hearing of Police Officer Leslie Chong, Ingleside Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Charles G. Ogulnik, attorney for Officer Chong, that the date for the hearing before the Police Commission be set for September 27, 1984, therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Leslie Chong, Ingleside Station, is set for Thursday, September 27, 1984, at 5:30 p.m. in Room 551, Hall of Jutice.

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Toler

HEARING OF SERGEANT LAYNE AMIOT, NORTHERN STATION

Commissioner Sanchez said that the fact there was agreat deal of testimony in this matter, the Commission wishes the department to review it and remand it back to the Chief for his further consideration. If the Chief and the Legal division feels, after such review, that the Commission should proceed with it then it will be rescheduled for hearing.

SETTING OF DATE FOR HEARING OF POLICE OFFICER THOMAS J. LOVRIN, INGLESIDE STATION

RESOLUTION NO. 907-84

WHEREAS, the date to be set for the disciplinary hearing of Police Officer Thomas J. Lovrin, Ingleside Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Michael E. Gash, Attorney at Law representing the San Francisco Police Department, that the date for setting of the hearing before the Police Commission be set for August 30, 1984; therefore be it

RESOLVED, that the date for setting of the hearing of the disciplinary charges filed against Police Officer Thomas J. Lovrin, Ingleside Station, is set for Thursday, August 30, 1984, at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Toler

HEARING OF DONALD RAMIREZ, CENTRAL STATION

RESOLUTION NO. 912-84

WHEREAS, the hearing of Police Officer Donald R. Ramirez, Central Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Jerry Akins, attorney for the San Francisco Police Department, that the matter be continued to August 30, 1984; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Donald R. Ramirez, Central Station, is continued to Thursday, August 30, 1984, at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Toler

HEARING OF OFFICER MICHAEL O'NEILL, SOUTHERN STATION

Mr. John Prentice, Officer O'Neill's attorney said he would like to apologize to the Commission for Officer O'Neill' absence and that he had heard yesterday afternoon that Officer O'Neill had entered the Garden Sullivan Hospital for treatment. He said the Officer's wife is here and that his family and friends had advised the Officer to go into the hospital as his condition was not good. He said based upon that he would ask the Commission for a continuance at this time.

Commissioner Sanchez said that the Commission has noted that in a couple of these cases, just as they are about to begin, there have been those officers who have suddenly requested in patient treatment/48 hours before their hearings are to start. He said he was not saying that it is good, bad, or indifferent but that he would hope that if there is an illness that it is recognized at a much earlier time and the Commission is made aware of it or the Department is made aware of it.

Commissioner Daly then asked if it would be possible for Garden Sullivan to send the Commission some kind of packet on the type of program being discussed for the officer and as to how it differs from the Department's program.

Mr. Prentice said the program that most officers have opted to get into begins at 8:00 a.m. and continues through to 10:00 P.m. at night. He said they are allowed to go home at that time but must return at 8:00 a.m. the following morning.

Commissioner Nelder after listening to further discussion moved that the matter be continued for one week with the provision that the Commission will proceed at 5:30 on the 30th August and that Mr. Prentice and his client is put on notice that the Commission simply has to proceed in that they cannot operate a police department by continuing these matters into eternity.

Commissioner Hsieh said he would agree to but sees this only as a one time occurrence and does not want to see this as setting a precedent. He then seconded the motion. The motion was unanimously approved.

NOTIFICATION AND FILING OF CHARGES OF RECRUIT OFFICER MICHAEL McCARTHY, POLICE ACADEMY

RESOLUTION NO. 915-84

RECRUIT POLICE OFFICER MICHAEL McCARTHY, POLICE ACADEMY

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Recruit Police Officer Michael McCarty, Police Academy, as follows:

CHARGE NO. 1

Failure to acquire and maintain a working knowledge of all information required to perform the duties of a police officer (violation of Rule A-7 of General Order D-1 of the San Francisco Police Department);

CHARGE NO. 2

Failure to perform assigned duties promptly and according to Department procedures (violation of Rule A-5 of General Order D-1 of the San Francisco Police Department).

by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Recruit Police Officer Michael McCarthy, Police Academy, is set for Thursday, August 30, 1984, at 1730 hours in Room 551, Hall of Justice.

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Toler

NOTIFICATION AND FILING OF CHARGES OF OFFICER CORBETT DICKEY, PARK STATION

RESOLUTION NO. 916-84

WHEREAS, charges of violating the Rules and Procedures of theSan Francisco Police Department were filed against Police Officer Corbett F. Dickey, Park Station, as follows:

CHARGE NO. 1

Engaging in conduct which subverts the good order, discipline and efficiency of, and reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Corbett F. Dickey, Park Station, is set for Thursday, August 30, 1984, at 1730 hours in Room 551, Hall of Justice.

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez
ABSENT: Commissioner

THE MEETING WAS THEN ADJOURNED AT 6:07 P.M.

LIEUTENANT WILLIE E. FRAZIER
SECRETARY
THE POLICE COMMISSION

28 AUGUST 1984 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers in Special Meeting in Room 551, Hall of Justice, 850 Bryant Street, on Tuesday, August 28, 1984 at 1400 hours.

PRESENT: Commissioners Daly, Nelder, Hsieh
ABSENT: Commissioners Sanchez Toler

Commissioner Nelder presiding.

HEARING OF OFFICER EDWARD RUPPENSTEIN, SOUTHERN STATION

The matter of the hearing of Police Officer Edward Ruppenstein, Southern Station, was called it having been continued from the meeting of August 14, 1984.

Police Officer Edward Ruppenstein appeared in person and was represented by Mr. John Prentice, Attorney at Law.

Mr. Michael E. Gash Attorney at Law, appeared as the Prosecutor for the San Francisco Police Department.

The following witness was called by the Prosecution, was sworn and testified:

Officer Edward Ruppenstein Southern Station

The following exhibits were entered into evidence by the Prosecution:

Exhibit #1 Transcript of Interview taken from Officer Ruppenstein on 6/30/84 by Management Control Division (Label #2)

Exhibit #2 Transcript of Interview taken from Officer Ruppenstein on 6/30/84 by Management Control Division (Label #3)

Exhibit #3 Transcript

An opening statement was made by Mr. John Prentice, Attorney for the Defense.

The following witnesses were called by the Defense:

Officer Edward Ruppenstein Southern Station
Officer Michael A. Dudoroff Potrero Station
Officer Robert Totah Potrero Station

After listening to testimony from the above parties, the Commission then adjourned this particular matter at 5:20 p.m. and it was continued to Thursday, September 6, 1984 at 5:30 p.m. in Room 551, Hall of Justice.

Recess taken during the hearing of Officer Ruppenstein:

3:30 p.m. to 3:48 p.m.

AYES: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Sanchez, Toler

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR).

28 AUGUST 1984 EXECUTIVE SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Tuesday, August 28, 1984 at 1700 hours in Executive Session.

PRESENT: Commissioners Daly, Hsieh, Nelder
ABSENT: Commissioners Toler, Sanchez

1. Personnel Matter

Commissioner Nelder presiding.

28 AUGUST 1984 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Tuesday, August 28, 1984 at 1900 hours in a Special Meeting.

PRESENT: Commissioners Sanchez, Daly, Hsieh
ABSENT: Commissioners Nelder, Toler

Commissioner Sanchez presiding.

RESOLUTION NO. 941-84

HEARING OF POLICE OFFICER NICKOLAS M. REPOVICH, SOUTHERN STATION

WHEREAS, the hearing of Police Officer Nickolas M. Repovich, Southern Station, was called it having been set for this date; and

WHEREAS, Karen Chedistar, specially appearing for Attorney Gilbert Eisenberg, attorney for Officer Nickolas Repovich, requested that the matter be continued to September 6, 1984, Thursday, at 7:00 p.m. in Room 551, Hall of Justice.

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Nickolas M. Repovich, Southern Station, is continued to Thursday, September 6, 1984 at 7:00 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Hsieh, Sanchez
ABSENT: Commissioners Nelder, Toler

THE MEETING WAS THEN ADJOURNED AT 10:00 PM

Willie E Frazier

LIEUTENANT WILLIE E. FRAZIER
SECRETARY
THE POLICE COMMISSION

30 AUGUST 1984 REGULAR SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Thursday, August 30, 1985 at 1730 hours in Regular Session.

PRESENT: Commissioners Daly, Hsieh, Sanchez, Toler
ABSENT: Commissioner Nelder

Commissioner Sanchez presiding.

APPROVAL OF CONSENT CALENDAR

RECOMMENDATION OF THE CITY ATTORNEY FOR SETTLEMENT OF THE FOLLOWING CLAIMS AGAINST THE CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION NO. 956-84

ANTHONY NICHOLAS KUZMANICH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Anthony Nicholas Kuzmanich against the City and County of San Francisco in the sum of $1,755.32 as the result of damages be, and the same is hereby approved.

Date of Incident: May 17, 1984

AYES: Commissioners Daly, Hsieh, Sanchez, Toler
ABSENT: Commissioner Nelder

RESOLUTION NO. 957-84

BRUCE HOTCHKISS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Bruce Hotchkiss in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 9, 1984

AYES: Commissioners Daly, Hsieh, Sanchez, Toler
ABSENT: Commissioner Nelder

RESOLUTION NO. 958-84

KARL JAMES HAYES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Karl James Hayes in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 9, 1984

AYES: Commissioners Daly, Hsieh, Sanchez, Toler
ABSENT: Commissioner Nelder

RESOLUTION NO. 959-84

JAMES DIBERNARDO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James Dibernardo in the sum of $11.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 8, 1984

AYES: Commissioners Daly, Hsieh, Sanchez, Toler
ABSENT: Commissioner Nelder

RESOLUTION NO. 960-84

JENNIFER COOK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jennifer Cook in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 11, 1984

AYES: Commissioners Daly, Hsieh, Sanchez, Toler
ABSENT: Commissioner Nelder

RESOLUTION NO. 961-84

MELINDA BASKER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Melinda Basker in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 7, 1984

AYES: Commissioners Daly, Hsieh, Sanchez, Toler
ABSENT: Commissioner Nelder

RESOLUTION NO. 962-84

ABC TOWING (LUZ RODRIGUEZ)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Luz Rodriguez) in the sum of $87.75 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 1, 1984

AYES: Commissioners Daly, Hsieh, Sanchez, Toler
ABSENT: Commissioner Nelder

RESOLUTION NO. 963-84

ABC TOWING (SIMONE MARGOLES)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Simone Margoles) in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 17, 1984

AYES: Commissioners Daly, Hsieh, Sanchez, Toler
ABSENT: Commissioner Nelder

RESOLUTION NO. 964-84

ABC TOWING (L. CLAYBROOK)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (L. Claybrook) in the sum of $34.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 13, 1984

AYES: Commissioners Daly, Hsieh, Sanchez, Toler
ABSENT: Commissioner Nelder

RESOLUTION NO. 965-84

WENDY A. BRODY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Wendy A. Brody in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 8, 1984

AYES: Commissioners Daly, Hsieh, Sanchez, Toler
ABSENT: Commissioner Nelder

RESOLUTION NO. 966-84

YELLOW CAB COOPERATIVE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Yellow Cab Cooperative in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 3, 1984

AYES: Commissioners Daly, Hsieh, Sanchez, Toler
ABSENT: Commissioner Nelder

RESOLUTION NO. 967-84

C. J. JOSEPHS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of C. J. Josephs in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 19, 1984

AYES: Commissioners Daly, Hsieh, Nelder, Sanchez
ABSENT: Commissioner Toler

RESOLUTION NO. 968-84

ESIQUIEL AND SHIRLEY GONZALEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Esiquiel and Shirley Gonzalez in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 8, 1984

AYES: Commissioners Daly, Hsieh, Sanchez, Toler
ABSENT: Commissioner Nelder

RESOLUTION NO. 969-84

PATRICK LEMONS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Patrick Lemons in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 18, 1984

AYES: Commissioners Daly, Hsieh, Sanchez, Toler
ABSENT: Commissioner Nelder

RESOLUTION NO. 970-84

SCOTT D. HAMMOND

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Scott D. Hammond in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 18, 1984

AYES: Commissioners Daly, Hsieh, Sanchez, Toler
ABSENT: Commissioner Nelder

RESOLUTION NO. 971-84

ALEX BORTNIK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Alex Bortnik in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 28, 1984

AYES: Commissioners Daly, Hsieh, Sanchez, Toler
ABSENT: Commissioner Nelder

RESOLUTION NO. 972-84

ABC TOWING (CHESTER ROWELL)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Chester Rowell) in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 9, 1984

AYES: Commissioners Daly, Hsieh, Sanchez, Toler
ABSENT: Commissioner Nelder

RESOLUTION NO. 973-84

KRISTY KOBERNA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kristy Koberna in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 6, 1984

AYES: Commissioners Daly, Hsieh, Sanchez, Toler
ABSENT: Commissioner Nelder

RESOLUTION NO. 974-84

ABC TOWING (R. LINDSAY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (R. Lindsay) in the sum of $23.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 30, 1984

AYES: Commissioners Daly, Hsieh, Sanchez, Toler
ABSENT: Commissioner Nelder

RESOLUTION NO. 975-84

ABC TOWING (P. LUCIA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (P. Lucia) in the sum of $53.25 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 30, 1984

AYES: Commissioners Daly, Hsieh, Sanchez, Toler
ABSENT: Commissioner Nelder

POLICE COMMISSION REPORT

Commissioner Sanchez said the Police Commission met in Executive Session this afternoon pertaining to attorney-client conference and no vote was taken.

CHIEF's REPORT TO THE POLICE COMMISSION

Deputy Chief Eimil said that Chief Murphy was still on vacation but would be back on Tuesday of next week.

RESOLUTION NO. 944-84

SETTING OF DATE FOR HEARING OF RECRUIT POLICE OFFICER MICHAEL McCARTHY, POLICE ACADEMY

WHEREAS, the date to be set for the disciplinary hearing of Recruit Police Officer Michael McCarthy, Police Academy, was called it having been set for this date; and

WHEREAS, it was requested by Recruit Police Officer Michael McCarthy that the date for the hearing before the Police Commission be set for Thursday, November 8, 1984; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Recruit Police Officer Michael McCarthy, Police Academy, is set for Thursday, November 8, 1984 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Hsieh, Sanchez, Toler
ABSENT: Commissioner Nelder

RESOLUTION NO. 946-84

SETTING OF DATE FOR HEARING OF POLICE OFFICER CORBETT F. DICKEY, PARK STATION

WHEREAS, the date to be set for the disciplinary hearing of Police Officer Corbett F. Dickey, Park Station, was called it having been set for this date; and

WHEREAS, because Police Officer Corbett F. Dickey did not appear and was not represented by counsel, the Police Commission ordered the date for his hearing to be set for Thursday, November 15, 1984; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Corbett F. Dickey, Park Station, is set for Thursday, November 15, 1984 at 1730 hours in Room 551, Hall of Justice.

AYES: Commissioners Daly, Hsieh, Sanchez, Toler
ABSENT: Commissioner Nelder

RESOLUTION NO. 942-84

POLICE OFFICER MICHAEL D. JAMISON, POTRERO STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Michael D. Jamison, Potrero Station, as follows:

CHARGE NO. 1

Engaging in conduct which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department.)

by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Michael D. Jamison, Potrero Station, is set for Thursday, September 6, 1984, at 1730 hours in Room 551, Hall of Justice.

AYES: Commissioners Daly, Hsieh, Sanchez, Toler
ABSENT: Commissioner Nelder

RESOLUTION NO. 946-A

HEARING OF POLICE OFFICER THOMAS J. LOVRIN, TARAVAL STATION

WHEREAS, the hearing of Police Officer Thomas J. Lovrin, Taraval Station, was called it having been set for this date; and

WHEREAS, it has been requested by Mr. Joseph O'Sullivan, Attorney at Law, representing Officer Thomas J. Lovrin, that the matter be continued to September 18, 1984, Tuesday at 1630 hours in Room 551, Hall of Justice.

AYES: Commissioners Daly, Hsieh, Sanchez, Toler
ABSENT: Commissioner Nelder

RESOLUTION NO. 945-84

HEARING OF POLICE OFFICER DANIEL G. MARR, PARK STATION

WHEREAS, the hearing of Police Officer Daniel G. Marr, Park Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Jerry W. Akins, Attorney for the San Francisco Police Department, that the hearing be set for Thursday, November 29, 1984; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Daniel Marr, Park Station, is set for Thursday, November 29, 1984 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Hsieh, Sanchez, Toler
ABSENT: Commissioner Nelder

HEARING OF OFFICER DONAID R. RAMIREZ, CENTRAL STATION

The hearing of Officer Donald R. Ramirez, Central Station, was called it having been set for this date. Officer Donald Ramirez, was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Failure to prevent crime while off-duty (violation of Rule A-2 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency and discipline of the Department and which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

SPECIFICATION NO. 3

Engaging in conduct which tends to subvert the good order, efficiency and discipline of the Department and which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Officer Donald Ramirez appeared in person and was represented by Officer Robert Barry, Central Police Station Representative.

Mr. Jerry Akins, Attorney at Law, appeared as Prosecutor for the San Francisco Police Department.

An opening statement was made by Mr. Jerry Akins.

An opening statement was made by Officer Robert Barry. A plea of no contest to charges against Officer Ramirez was entered.

A motion was made by Commissioner Burl Toler to accept the plea, and was seconded by Commissioner Jo Daly and unanimously approved.

Captain Willis Casey testified as to character background.

The charges against Officer Donald Ramirez were then read into the record.

The Commission took the matter under submission, recessed and returned, finding that the charges in Specifications No. 1, No. 2 and No. 3 are sustained.

Based on those findings, the Commission requested a recommendation from Acting Chief of Police George Eimil. It is the recommendation of the Acting Chief of Police that Officer Donald Ramirez be suspended for 30 days for each charge for a total of 90 days, said 90 days to be held in abeyance for one year, provided that Officer Donald Ramirez joins the Police Department's Stress Program, and if he fails to comply with any of the provisions of the Rules and Procedures during this one year probationary period, said 90 days held in abeyance will therefore and shall be imposed.

The Commission again took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 950-84

DECISION - HEARING OF OFFICER DONALD RAMIREZ, CENTRAL STATION

WHEREAS, on May 9, 1984, George Eimil, Acting Chief of Police, made and served charges against Officer Donald R. Ramirez, Central Station, as follows:

SPECIFICATION NO. 1

Failure to prevent crime while off-duty (violation of Rule A-2 of General Order D-1 of the San Francisco Police Department);

(a) At all times herein mentioned, Donald R. Ramirez, Star 1750 (hereinafter referred to as "the accused"), was and is a police officer employed by the San Francisco Police Department and assigned to Central Police Station;

(b) As a police officer, the accused was and is responsible for knowing and obeying the Rules, Orders and Procedures of the San Francisco Police Department;

(c) On October 8, 1983, at or about 0200 hours, the accused, while off duty and driving a Chevrolet Corvette, was involved in a collision with another automobile on Interstate Route 280 near Daly City, San Mateo County, California;

(d) As said time and place, the California Highway Patrol responded and arrested the accused for violation of Vehicle Code Section 23152(a), a misdemeanor;

(e) On November 1, 1983, the accused pleaded no contest to a violation of Vehicle Code Section 23152(a) and the court made a finding of guilt based on the plea;

(f) As a police officer, the accused has a duty to prevent crime at all times. Notwithstanding this duty, the accused, by driving a vehicle on the highways of the State of California in violation of Vehicle Code Section 23152(a), not only failed to prevent crime, but actually engaged in criminal conduct which constitutes a violation of Rule A-2 of General Order D-1 of the San Francisco Police Department which states:

"Officers shall, while off-duty, take all reasonable steps to prevent crime, detect and arrest offenders, and protect life and property that are consistent with the officers' ability to take proper action at the time in question.

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency and discipline of the Department and which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

(a) Each and every allegation contained in paragraphs (a) through (f), inclusive, is incorporated herein by reference as though set forth in full:

(b) After the accused was arrested, when he was requested to submit to a test to determine his blood alcohol level, the accused became abusive, used foul language and attempted to obstruct the completion of the test, all in a very unprofessional manner;

(c) By driving a motor vehicle on the highways of the State of California in violation of Vehicle Code Section 23152(a), and by using foul and abusive language toward the Highway Patrol Officer who responded to the collision and attempted to test the accused's blood alcohol level, the accused has engaged in conduct which subverts the good

order, efficiency and discipline of the Department and reflects discredit on the Department which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department or any member thereof or that is prejudicial to the efficiency and discipline of the Department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said Charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, August 30, 1984 and on Thursday, August 30, 1984, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the allegations contained in Specifications No. 1, No. 2, and No. 3, as preferred by the Chief of Police against Officer Donald Ramirez, are sustained by a plea of no contest by Officer Ramirez through Central Police Station Representative Officer Robert Barry; and

WHEREAS, in connection with his no contest plea to said charges, Officer Donald Ramirez has applied to participate in the Alternative to Punishment Program set forth in Rule VIII of General Order D-4 and the Chief of Police has approved his application; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the Citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders that the following discipline be imposed:

Specification No. 1	[penalty]	30 calendar days
Specification No. 2	[penalty]	30 calendar days
Specification No. 3	[penalty]	30 calendar days

and be it further

RESOLVED, that said suspension totaling 90 days shall be held in abeyance as the Commission approves Officer Ramirez's application for the Alternative to Punishment Program set forth in Rule VIII of General Order D-4, provided that Officer Donald Ramirez shall complete the Program prescribed by the Diversion Eligibility Committee and shall comply with the Rules and Procedures of the San Francisco Police Department during the one year follow-up period. If Officer Donald Ramirez successfully completes the Alternative to Punishment Program and complies with the Orders, Rules and Procedures of the San Francisco Police Department, the 90 days suspension shall be dismissed and not served. If, during his participation in Alternative to Punishment Program, Officer Ramirez fails to comply with the Orders, Rules and Procedures of the San Francisco Police Department, the 90 days suspension shall be imposed and served in addition to any penalty for such violation.

AYES: Commissioners Daly, Hsieh, Sanchez, Toler
ABSENT: Commissioner Nelder

Recess taken during the hearing of Officer Donald R. Ramirez:

6:20 p.m. to 6:27 p.m.

(The entire proceedings were taken in shorthand form by Ms Linda Pransky, CSR).

RESOLUTION NO. 943-84

HEARING OF OFFICER CLIFTON F. FOGARTY, POTRERO STATION

WHEREAS, the hearing of Officer Clifton F. Fogarty, Potrero Station, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney for the San Francisco Police Department, that the date for the hearing before the Police Commission be set for September 6, 1984; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Officer Clifton F. Fogarty, Potrero Station, is set for Thursday, September 6, 1984 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Hsieh, Sanchez, Toler
ABSENT: Commissioner Nelder

HEARING OF POLICE OFFICER MICHAEL F. O'NEILL, SOUTHERN STATION

WHEREAS, the hearing of Police Officer Michael F. O'Neill, Southern Station, was called it having been set for this date. Police Officer Michael F. O'Neill was charged with the following:

SPECIFICATION NO. 1 (JULY 11, 1984)

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department and which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department); and

WHEREAS, on July 24, 1984, first amended charges were filed as follows:

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department and which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 3

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department and which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

in properly verified complaints by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Police Officer Michael F. O'Neill appeared in person and was represented by Mr. John Prentice, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

An opening statement was made by Attorney Gash.

The following witnesses were called by the Prosecution, were sworn and testified:

Sgt. Gary Hall
Contra Costa County Sheriff's Dept.

Lt. Bill Taylor
Management Control Div.

Dr. Flin Lin
Assistant Toxocologist
County Medical Dept.

The following exhibits were entered into evidence by the Prosetion:

Exhibit #1 Transcript dated July 4, 1984

Exhibit #2 Transcript dated July 11, 1984

Exhibit #3 Toxicological Analysis dated July 5, 1984, 2017 hours

Exhibit #4 Toxicological Analysis of urine sample from Officer O'Neill dated July 5, 1984, 1920 hours

Exhibit #5 Letter to Elin Lin from Paul Sedgwick, Toxicologist dated July 31, 1984

An opening statement was made by Attorney John Prentice for the Defense.

The following witness was called by the Defense, was sworn and testified:

Ray Ellen Holland
Therapist, Garden Sullivan Hospital

After listening to testimony from the above parties, the Commission then adjourned at 10:48 p.m., and the matter was continued to October 4, 1984 at 5:00 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Hsieh, Sanchez, Toler
ABSENT: Commissioner Nelder

Recesses taken during the hearing of Officer Michael O'Neill:

8:10 p.m. to 8:15 p.m.
9:15 p.m. to 9:35 p.m.

(The entire proceedings were taken in shorthand form by Ms Linda Pransky, CSR).

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

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